NOTE TO USERS

This reproduction is the best copy available

UMI

University of Alberta

Transforming Environmental Dispute Resolution in Jasper National Park

by

Carol Elizabeth Murray

©

A thesis submitted to the Faculty of Graduate Studies and Research in partial fulfillment of
the requirements for the degree of Doctor of Philosophy

Department of Anthropology

Edmonton, Alberta

Spring 1999

National Library
of Canada

Acquisitions and
Bibliographic Services

395 Wellington Street
Ottawa ON K1A 0N4
Canada

Bibliothèque nationale
du Canada

Acquisitions et
services bibliographiques

395, rue Wellington
Ottawa ON K1A 0N4
Canada

Your file Votre référence

Our file Notre référence

The author has granted a non-exclusive licence allowing the National Library of Canada to reproduce, loan, distribute or sell copies of this thesis in microform, paper or electronic formats.

The author retains ownership of the copyright in this thesis. Neither the thesis nor substantial extracts from it may be printed or otherwise reproduced without the author's permission.

L'auteur a accordé une licence non exclusive permettant à la Bibliothèque nationale du Canada de reproduire, prêter, distribuer ou vendre des copies de cette thèse sous la forme de microfiche/film, de reproduction sur papier ou sur format électronique.

L'auteur conserve la propriété du droit d'auteur qui protège cette thèse. Ni la thèse ni des extraits substantiels de celle-ci ne doivent être imprimés ou autrement reproduits sans son autorisation.

0-612-39571-5

Canada

University of Alberta

Library Release Form

Name of Author: Carol Elizabeth Murray

Title of Thesis: Transforming Environmental Dispute Resolution in Jasper National Park

Degree: Doctor of Philosophy

Year this Degree Granted: 1999

Permission is hereby granted to the University of Alberta Library to reproduce single copies of this thesis and to lend or sell such copies for private, scholarly, or scientific research purposes only.

The author reserves all other publication and other rights in association with the copyright in the thesis, and except as herinbefore provided, neither the thesis nor any substantial portion thereof may be printed or otherwise reproduced in any material form whatever without the author's prior written permission.

47 Sundance, Edmonton, Alberta,
Canada T5H 4B4

1 February 1999

University of Alberta

Faculty of Graduate Studies and Research

The undersigned certify that they have read, and recommend to the Faculty of Graduate Studies and Research for acceptance, a thesis entitled, *Conflict and Transformation: A Study of Environmental Dispute Resolution in Jasper National Park,* submitted by Carol Elizabeth Murray in partial fulfillment of the requirements for the degree of Doctor of Philosophy.

E. Higgs, Ph.D., Supervisor

Charles Schweger

C. Schweger, Ph.D.

P. Asquith

P. Asquith, D. Phil.

M Freeman

M. Freeman, Ph.D.

S. Hrudey, Ph.D.

for

M. LeBaron, M.Ed.

Date: 1 Feb /99

Abstract

Environmental decision-making in national parks in Canada has conventionally had a lobby component, but no means of direct participation by those with an interest in the outcome. From 1994-1996, a Maligne Valley Collaborative Process was held in Jasper National Park, Alberta, Canada that applied principles of consensus-based decision-making, made popular by the Alternative Dispute Resolution trend in the United States and Canada, to arrive at agreements on issues involving the impact of human activity on the ecological integrity of the Valley. Using ethnographic techniques, this field research project examined the procedural and relational aspects of this event based on the evaluative comments of 22 participants to the Process in open-ended interviews in the fall of 1996 and participant-observation during the negotiation meetings. This case study in the ethnography of social process allowed a focus not only on the procedural aspects of dispute resolution but also on cultural values, social organization, social relations and the roles and structures of power. The central research question asked: *What consitituted the participants' experience of the Maligne Valley Collaborative Process?* What values did they bring to the Process? How did they evaluate its success? How did participants view the inter-relational aspect of the Process?

An examination of Philip Gulliver's dispute resolution model shows that it neglects a focus on the values, emotions and relations of the dispute resolution process, an emphasis that is emphasized in non-Western models. Data analysis, using NUD*IST proprietary software, assessed participants' evaluative comments on the Process from the perspective of issues, process and relationships. Findings show that the participants' evaluation of the Maligne Valley Process regarded social relationships as an important component of the consensus process, and that although consensus was not reached on major issues, and points of process also required attention, the social connections made with opponent stakeholders held some promise for future discussions. Guidelines for the application of these findings to dispute resolution processes are provided and implications of the findings for applied anthropology are examined.

Acknowledgements

Scholarship is not a singular undertaking. Many others besides myself are dancing throughout these pages. First, I am grateful to my doctoral committee for their astute critique throughout the formative phases of my research program. And also to Dr. Carl Urion who not only encouraged and supported my initial foray into graduate studies, but also was the original supervisor on this project until his untimely illness.

Two people in particular cross the boundary between that of colleague and friend. Dr. Eric Higgs, my current supervisor, has provided me with a rare combination of support. Intellectually, he has suggested points of departure for my work that at first appeared incongruent, but as the research unfolded, revealed themselves as prescient and emboldening, with glints of brilliance. And, as a friend, Eric has been a most understanding and patient confidant as I worked my way through personal and professional challenges that might otherwise have proved impediments to the project.

Denise Spitzer has also performed the dual role of colleague and friend in such a seamless manner as to be both chief critic and stalwart supporter all at once. Her frank and intelligent comments and questions on my work and unflagging confidence in my abilities have provided almost daily encouragement. It has been a rare pleasure to share my experience with you and to share equally in yours.

A heartfelt thanks goes also to the participants in the Maligne Valley Collaborative Project who gave willingly of their time and energy for my project, and made me feel a welcome addition to the "round table." I hope I have reflected their passionate concern for both Jasper National Park and the Maligne Valley Collaborative Process.

This also provides me with an opportunity to thank Stephen Slemon, "without whom not...." Stephen has not only provided me with answers to knotty problems, but also has shown keen support, even as we were struggling to resolve life's logistical challenges. And to Michael Luski, my gratitude for your cogent editing and support as dauntless role model and friend.

Heartfelt gratitude is reserved for Alan Jacobs, whose steady center has helped me complete this project "one magic step at a time."

Unending appreciation goes to my family. My parents, of course, who provided me with a firm grounding and ongoing support. And especially my daughter, Allie Slemon, who has rightly insisted that I maintain balance in my life and who, I believe, is proud of me.

Table of Contents

Chapter 1 "Making Room": The Search for Consensus on the Social Landscape 1

Introductory Remarks 1
The Maligne Valley Collaborative Process 3
The Research Project 5
Consensus-based Dispute Resolution Processes 17
Organization of the Dissertation 7

Chapter 2: Environmental Disputes in Cultural Perspective 15

Conflict and Cultural Values 10
Consensus-based Dispute Resolution Processes 13
Goals of Conflict Resolution 14
Shifts in Social Theory 15
Legal Anthropology: From Rules to Process 17
Gulliver's Model of Conflict Resolution 19
Emotions, Values and Community in Dispute Resolution 21

Chapter 3 Managing Environmental Decision Making 29

A Brief History of Human Impact in the Jasper Region 31
Parks Canada: Approaches to Ecosystem Management 34
The Maligne Valley Collaborative Process 36
Issues of Ecological Integrity in the Maligne Valley 36
Structure of the Process 38
Overview of Proceedings 39
Meetings of the MVCP 41
Discussion and Recommendations of the Process 42

Chapter 4 Methodological Considerations:"Showing the Hand of the Ethnographer" 52

Applied Anthropology 53
Characteristics of a Contemporary Ethnography 53
Evaluation 54
Methods: Defining the Project 56
Types and Varieties of Data 56
Data Collection and Recording 57
Entree into the Community 58
Developing Trust and Rapport 59
The Researcher's Role 60
Mistakes, Misconceptions and Surprises 61
Validity of Findings 62

Chapter 5 Data Analysis: A "Prism of Perspectives" 65

Direction for Data Analysis 65
Tools for Data Analysis 65
NUD*IST: Uncovering the Sexy Underbelly of Qualitative Data 66
Data Analysis: Participants' Experience of Process 68
Issues: Values 68
Process: Discourse 73
Process: Social Institutions 76
Process: Power, Legitimation and Politics 81
Relationships: Social Relationships 84
Relationships: Feelings and Emotions 86
What Went Wrong? 88
Consensus Building and Substantive Issues 88
Process Issues 90
Relational Issues 90
A Prism of Perspectives 91

Chapter 6 A Transformative Model of Conflict Resolution 92

Assessing the Maligne Valley Collaborative Process 92
Process considerations in the MVCP 92
Relational Considerations in the MVCP 96
Characteristics of the Relationship-Building Phase 163
Guidelines for Consensus-based Dispute Resolution 99
Ethnography and Dispute Resolution 101
Implications of Findings 102
Conclusions 103

Epilogue 105

Works Cited 106

Appendix 1 List of Activities in the Maligne Valley 116

Appendix 2 Maligne Valley Advisory Committee Draft Terms of Reference 117

Appendix 3 Consent Form 118

Appendix 4 Letter of Introduction from Park Superintendent 119

Appendix 5 Notes on Protocol Meeting 120

Appendix 6 Certification of Ethical Acceptability 121

Appendix 7 Report on Recommendations Implemented 122

Appendix 8 Background Information on the Participants 132

List of Figures

Figure 2.1 Forms of conflict resolution used cross-culturally 11

Figure 2.2 Gulliver's universal model of negotiation 20

Figure 2.3 The "Pentalectic Circle" representing a shared decision-making framework 21

Figure 2.4 Cothern's model of risk assessment showing values as input to the process 24

Figure 2.5 Steps in the *Ho'oponopono* dispute resolution process 25

Figure 3.1 Map of Jasper National Park showing the Maligne Valley 30

Figure 5.1 Simulated NUD*IST tree diagram showing nodes 67

Figure 6.1 Process Framework showing Process Design Phase 94

Figure 6.2 Description of Phases of Maligne Valley Collaborative Process 95-96

Chapter 1

"Making Room": The Search for Consensus on the Social Landscape

Wolves mean something to everyone. But in the end, wolves are only wolves.

Renee Askins, Director of the Wolf Fund
— testimony given at a U.S. House Committee
on Resources hearing (Jan. 1995)

Introductory Remarks

In January 1995, 30 wolves were flown from Alberta, Canada to central Idaho and Yellowstone National Park in the United States in an historic and celebratory moment of reintroduction after 50 years absence. The wolves had not disappeared from slow attrition due to loss of habitat or to disease or natural disaster, but through "brutal, intentional and systematic" killing – an act motivated by the "principle of dominance" (Askins 1995). Ranchers in Idaho and Montana near the release sites, however, are angry at the reintroduction of this predator and fear that the wolves will devastate the livestock industry in the West. Despite numbers that provide evidence of the relatively little damage wolves inflict on sheep and cattle (far less than one percent of livestock available to them), scare tactics and rhetoric by ranchers have dominated their public relations campaign against the wolf relocation program. Similarly inflated rhetoric has been used by environmentalists to make the claims that wolves are "sweet and docile animals; that the wolf is the ultimate symbol of harmony; and that everything noble, wise, and courageous is somehow embodied in this one creature. According to this view, ranchers, hunters, and industry are the bane of the environment, and saving the wolf, no matter what the cost, will be our redemption" (Askins 1995: 16).

In cultural discourse, meaning is represented symbolically: a wolf is not just a wolf, but the "devil's keeper, the slayer of innocent girls, the nurturer of abandoned children, the sacred hunter, the ghostly creature of myth and legend. In short, wolves are symbolic" (Askins 1995: 17). Symbol both reflects cultural values and, in turn, shapes cultural behaviour. Thus the Yellowstone wolf reintroduction is a sign of change in the usual way of doing things; a conflict about environmental values and power. "The Yellowstone wolf recovery debate is fundamentally an expression of culture in transition; it is the struggle that accompanies old assumptions clashing against the new.... Our attitudes toward wolves and our treatment of them cut to the very marrow of how we view our relationship to the natural world" (17).

And indeed our relationship to the natural world is constantly in flux, although opposed positions, based on the polarities of preservation versus use, have become more entrenched since the 1960s. This entrenchment has led to rancorous environmental conflict in both the private and public sectors. Decisions by resource managers concerning the impact of human activity on the natural landscape have become increasingly technocratic (Waddell 1997). Managers have relied more and more on science and other expert knowledge to make and support development decisions. This trend has had two major effects: first, the justification for these decisions has shifted from a moral imperative, based on values of progress and growth and preservation, to a technocratic one in which experts provide rationale for public and corporate actions; equally, it has also reduced public input to a lobbying role, with representatives of various interest groups vying for influence with public officials. The resulting mode of decision-making has been dubbed "decide-announce-defend" a moniker that reflects perceptions of its secretive and exclusive character.

In the past several decades, there has been a steady clamouring for a greater public involvement role in environmental decision-making, particularly in the public sector. Sherry Arnstein's "ladder of participation" (1969), in which she argues that most public involvement, on a continuum from "manipulation" to "citizen control" occurs at the "informing," "consultation" and "placation" steps, which Arnstein characterizes as "Degrees of Tokenism." Since this time, the public's view of democracy has shifted from satisfaction with representative democracy, to a demand for one that is more participatory (Dukes 1996; Barber 1984).

Although, as we approach the millennium, most of the decisions made on public policy issues remain degrees of tokenism. The legacy of modernity — social fragmentation and disconnection (Dukes 1996) — has resulted, however, in the increased popularity of Alternative Dispute Resolution (ADR) processes. The publication of *Getting to Yes: Negotiating Agreement without Giving In* (1981) was pivotal in this popularization of these processes. For some, this has lead to attempts to solve apparently intractable environmental conflicts outside the judicial system, with full public participation and partnership. Environmental dispute resolution is shifting from the locus of the courtroom, where adversarial positions are argued as points of law, to the "round table" where interest-based negotiations allow participants to address and evaluate a wide range of options for resolving conflict. Variously labelled mediation, interest-based, negotiated and consensus-based processes, they adopt the principle that resolution of conflict should emphasize integrative rather than divergent solutions. The desired outcome of conflict has been popularly referred to as "win-win" rather than "win-lose." In practice, facilitators attempt to move participants in the conflict away from entrenched positions to the underlying interests that they hold, and agreements between disputants are attempts to integrate the interests of all stakeholders.

If modernization has led to social dissembling and fragmentation, the "post-modern" public is attempting to rebuild community and the connectedness of social relations (Borgmann 1992). To some, dispute resolution based on the principles of consensus-based processes is seen as the key to community-building (Shaffer & Anundsen 1993). As Askins comments regarding the wolf debate, "The real issue is one of making room ... room for hunters, for environmentalists, for ranchers, and for wolves" (1995: 17).

The central questions for enquiry into these processes is How well do they work? Can they "make room" for diverse interests in reaching agreement? How do the procedural or structural elements of the process support this goal? How are the procedural and relational aspects interwoven? What aspects of the process do participants identify as successful? Unsuccessful? How can interest-based processes be improved to reflect these considerations?

From 1995-1996, I had the opportunity to study what Sally Falk Moore refers to as a "diagnostic event" (Moore 1987; 1994). That is, it signifies an interrelationship that lies at the heart of the disciplinary inquiry of cultural anthropology — events, relationships, symbols, discourses and values and the changes in social thought, practices and institutions that they engender. The Maligne Valley Collaborative Process is an example of a shift in paradigms of decision-making from a representative model to one that is more participatory and therefore more reflective of community values. This case study in the ethnography of social process allowed a focus not only on the procedural aspects of dispute resolution but also on cultural values, social organization, hierarchy of social values, social relations and the roles and structures of power. The Process was a manifestation of local cultural practice in conflict resolution.

By the late 1980s in Jasper National Park, disputes between environmentalists and commercial developers and business owners in Jasper National Park had reached such an impasse that in 1994, park managers decided to hold a collaborative process to resolve issues of the impact of human activity on ecological integrity in the Maligne Valley. Unfortunately, the Maligne Valley Collaborative Process, after a two-and-a-half year struggle, failed to reach agreement on many of the issues on the table. On the other hand, research on why it failed from the perspective of participants to the Process, has much to reveal about the procedural and relational elements required for successful consensus-building processes in order to create an atmosphere of trust among participants that is reflected in the agreements they reach.

The Maligne Valley Collaborative Process

To the almost 2 million visitors a year, and to the residents that live there year-round, Jasper National Park (JNP) is a very special place. One of four contiguous mountain parks named as a UNESCO World Heritage Site[1], its 10, 880 square kilometres contain many examples of rare and endangered species, glorious mountain vistas, spectacular geological formations such as karsts, folding mountains and exposed Devonian Reef formations. What is equally unusual for a national park, however, is that JNP also supports a town of 4,500 permanent residents, which is also the major service centre for millions of tourists and a railway divisional point. Although not as developed as Banff National Park, JNP's main services, tourist destinations and transportation corridors — and therefore most of the human activity — are located within the montane ecoregion. While only 7% of JNP's total area, the montane provides critical habitat for local fauna, particularly elk, grizzly bears, coyotes, wolves and bighorn sheep. As visitor numbers and activities increase — and some project that this is happening exponentially — fauna in this fragile ecoregion is suffering increasingly from the human induced destruction of their natural habitat and migration corridor.

Because of its proximity to Jasper townsite (40 km) and its accessibility by paved road — not to mention its superb natural formations such as the Maligne Canyon and its potential for a wide variety of recreational activities from whitewater rafting to backpacking — the Maligne Valley has suffered many of the same impacts of high human visitation as the montane. Environmentalists have expressed concerns about the discharge of potentially toxic materials from tour boats on Maligne Lake, the effect of cross-country ski trails on a declining population of woodland caribou, washroom facilities on the ecologically fragile Spirit Island, and, with the most recent and contentious issue, the impact of whitewater rafting on the breeding success of the Harlequin duck.

Parks Canada managers have a dual mandate: they must both provide for visitor services while protecting ecological integrity. Lobby groups have formed to support each aspect of the mandate and have clashed repeatedly over decisions in the Maligne Valley. The final straw for lobbyists occurred in 1993 with the closure of the Maligne River to whitewater rafting during the Harlequin duck breeding season (May and June) under the assumption that the disruption of rafting was causing duck numbers to decline. Commercial rafting companies initiated litigation against Parks Canada for loss of livelihood, in other words, for not upholding the visitor services aspect of the mandate. Environmental groups were also becoming litigious, claiming that Parks was not adhering to the National Parks Act in making the ecological integrity of the park a first priority.

In 1994, parks managers initiated the Maligne Valley Collaborative Process (MVCP) as an attempt to engage in negotiated discussion concerning these issues of the impact of human activity on the ecological integrity of the Maligne Valley. The major issues on the table were hydroelectric generation, tour boats on Maligne Lake, the operations of Brewster Chalet (a cultural heritage building), cross-country skiing and services on Spirit Island. Not, however, the Harlequin duck issue. Since the issue was before the courts and it was deemed too litigious to discuss outside the courtroom, the issue of rafting and the ducks was not on the table.

After a promising start when over 100 people packed a meeting room to find out what the process was all about, two years later, only a core of 25 or so remained. These stalwarts hung on for another six months until the official conclusion of the Process in June 1996. An embittered group, these participants had much to say about their experience with the Process — its lack of efficiency, the counterproductive Visioning process, the wait for promised research reports, the need for a more directive role by Parks Canada, and the inability to reach a consensus-based decision on any of the significant issues. As one participant put it, "Just zip. It was ended. Complete lack of closure."

What does an admittedly — at least in the eyes of the participants — unsuccessful collaborative process have to contribute to theories of dispute resolution and community building? Paradoxically, a great deal. Consensus-based processes of this magnitude in Canada have rarely been studied, particularly not from the perspective of process as opposed to outcome (Sander 1995).[2] As a study of the connection between procedural and relational aspects of consensus-based dispute resolution processes, the MVCP provided a unique opportunity to examine the needs, concerns and frustrations of participants regarding the Process. Using anthropological methods such as participant-observation and open-ended interviews, I was able to both observe and elicit specific reasons for the failure of the Process. This "hands-on" research method provided an opportunity to engage with the social context and the implications of the participants' concerns, unlike survey instruments which usually address only the substantive aspects of respondents' views. Further, whereas surveys most often employ researcher-driven topics and questions, the combination of observation and subsequent interview sessions allowed for concerns and issues to be raised by the participants themselves. This, in my view, yields more authenticity and immediacy to the resulting data.

The Research Project

As *initially* proposed, the central question guiding the research project was: How do the environmental values of stakeholders affect the dispute resolution process? Implicit in this question is the assumption that what is needed for a successful decision-making process is an identification and acknowledgement of the values held by participants that underlay the MVCP. Theorists of risk assessment, a decision-making approach not unlike dispute resolution in its quest to accommodate the views of the general public, are starting to promote the need to address values that influence risk assessment, not only those of lay persons, but of scientific experts as well. Cothern (1996) argues, in fact, that risk assessment is never value free. After proponents have brought all relevant information to the "common table," "the first tension in the process is generated [at the option development stage] by the conflict between the values and value judgments of the decision makers involved" (58). Cothern advises that an overall objective of environmental risk decision making be "to use the value of honesty and ask that the values, value judgments and ethical considerations ... be expressed and discussed" (60).

The goal of the research project was to assess environmental values in the context of the decision-making process, unlike earlier studies such as Kempton *et al.* (1995) that selected respondents from specific groups in the general population. I planned to contextualize the study of environmental values by interviewing participants of the MVCP and using the resulting data as input for ethnosemantic analysis (Spradley 1979) in which the participants' comments on the Process would suggest a typology of values. In that there has been a cogent body of literature that addresses the types of values that participants could be expected to hold (Soulé 1995, Sax 1980, Kellert 1995 and Kempton *et al.* 1995), the emphasis for the study was primarily methodological. How could anthropological methods improve on the elicitation of environmental values?

As I observed large and small group meetings of the MVCP, however, I became aware that there was much more than value conflicts that participants were experiencing and that an analysis of environmental values would not capture the complexity of the event. Further, despite my assumptions that values would be relatively evenly divided between "preservation" and "use," I quickly realized that *all* participants considered themselves environmentalists and were at least to some degree supportive of the need to preserve the natural environment. Needless to say, this realization left me with a dilemma of a research project that required a new perspective.

I began to find a role as an evaluator of the Process. Participants often expressed their concerns to me about the lack of agreement, the role played by parks managers and so on. Interview sessions after the conclusion of the Process explored the strengths and weaknesses of the long decision-making procedure with an end to arriving at an ethnography of the Process. In effect, the purpose of the research project shifted from deductive — in which I was testing Cothern's model of the place of values in environmental decision making — to inductive. I was now gathering data that would eventually contribute to an assessment of the relational and procedural elements in consensus-based dispute resolution. I wanted to know what constituted the participants' experience of the MVCP. What values did they bring to the Process? How did they evaluate its success? How was scientific knowledge used to legitimate decisions? How were roles at the table defined, given the power differential between the ultimate decision-makers and those with other interests in the area? How did participants view the inter-relational aspect in terms of the success of the Process?

Analysis of the data using NUD*IST proprietary software for qualitative data analysis (which allows for an analysis very similar to ethnosemantic analysis), produced a basic three-fold typology of concerns regarding the process of *issues, process* and *relationships.* This "three-legged stool" of needs also appears in the literature (Rahn 1996; Shaffer & Anundsen 1993) and signifies that there is much more complexity, and much more at risk, in dispute resolution processes than merely the objective, technological resolution of substantive issues. Most models of dispute resolution are linear, with a preliminary assessment phase, followed by a range of stages from process design, agreement building, final agreement and implementation to evaluation and monitoring (see Moore 1996: 66-67). A model developed by anthropologist Philip Gulliver (1979), however, holds promise for a circular rather than linear approach.

Anthropological analyses of dispute resolution have shifted from early attempts to establish rule-based systems modelled on Western judicial systems, to the recognition of process-based approaches, promoted in large part by Victor Turner. Gulliver (1979), for example, attempted to develop a universal, cross-cultural model of dispute negotiation processes, based primarily on the notion of linearity described above. But he also argued that negotiating follows a "double" course. That is, it is both developmental and cyclical. He notes that the circularity of negotiation consists of an alternation from "antagonism" to "coordination."

Gulliver was among the first to champion a process-based approach to models of dispute resolution and also to argue for a circularity of the process. In fact, recent anthropological commentary on cross-cultural negotiations employs his model as a base for its analyses (Caplan 1995). Moore (1995) notes, however, that Gulliver's model assumes that a settlement will be reached and that his focus is selective in that "his engagement is entirely with the internal sequence" and the "rhythmic way the interaction proceeded to the result" (29). She argues that Gulliver does not incorporate the feelings engendered by the negotiations nor the specter of the failure of the process.

Although non-Western traditions, as practised in contemporary times, often incorporate a relational aspect to the process structure (Wall & Callister 1995; Ury 1995; Huber 1993), Western practice is primarily outcome driven (Sander 1995) and evaluation of success is pegged to procedural aspects of the negotiation. The relational elements, which are critical to the transformation of society from its modern, fragmented self to a more connected community-based one, are sometimes acknowledged as "underlying" the process, and are dealt with through facilitation strategies such as "venting." But often consensus-based negotiations imply a search for a rational agreement that results in emotions being "left at the door" (Avruch 1991). Bush and Folger (1994) on the other hand, argue that mediation, albeit with process goals determined by participants, should provide for some sort of personal transformation for individual participants. On a societal scale, Dukes (1995) stresses the relational and community-building goals of negotiated decision making.

Consensus-based Dispute Resolution Processes

According to participants in the MVCP, the relational or community-building aspects of the Process were the most, if not only, successful elements. Yet many expressed frustration with the Process (especially the Visioning exercise), anger with other individuals (both within and across stakeholder groups), and lack of "safety" for raising their concerns at the table. There was no opportunity to express how they were feeling and, in the end, no closure on how the Process had affected community relations. In Chapter 6, Findings and Conclusions, I provide a critical analysis of the need for increased emphasis on relational aspects of dispute resolution processes, based on the concerns that participants shared with me during our interviews and on the observations I made while attending meetings of the MVCP and on various models in the literature. This approach is a departure from conventional linear models of dispute resolution, and from those that emphasize outcome-oriented concerns.

Organization of the Dissertation

The next chapter, Chapter 2, outlines the theoretical framework that provides a context for the presentation of my findings within a broad range of anthropological literature. Legal anthropology, for example, has, since Malinowski examined "crime and custom in savage society," explored the ways in which societies have resolved conflict. Originally determined to be rule-based, the anthropological theory of cross-cultural conflict resolution has in recent years turned to more process-based approaches. Key to an understanding of the findings is the description of models of dispute processes, and how they reflect cultural assumptions regarding conflict and its resolution. Chapter 3 provides background information both on Jasper National Park and the history of human influence there, but also on the chronology of the Maligne Valley Collaborative Process itself and some of the agreements and recommendations reached by the group.

Chapter 4 turns to questions of methodology and in particular outlines the development of a particular methodological approach while in the field. Emphasis is placed on the need for reflexive methods, in other words, ones that acknowledge and incorporate the role of the researcher. Chapter 5, a review of data analysis approaches and results, highlights the perspectives of the participants in their evaluation of the Maligne Process. Quotations from interviews with participants reveal their concerns with issues of process and relationship as well as substantive questions such as the role of science in environmental decision-making. In Chapter 6, I summarize the findings from the data analysis and demonstrate how these findings stress the importance of the way in which relationship building can be interwoven with processual elements outlined in the theoretical framework in order to increase awareness of the significance of the relational aspect to consensus-based dispute resolution processes. The Epilogue, brings readers up to date on events in the Maligne Valley since I completed my fieldwork.

---

[1] The other three parks are Banff, Yoho and Kootenay.

2. Excellent studies, however, have recently been conducted of the Clayoquot Sound dispute (Darling 1991) and the Commission on Resources and Environment negotiations on Vancouver Island (Kelly & Alper 1995).

Chapter 2: Environmental Disputes in Cultural Perspective

A healthy democracy would embrace conflict as central to the political process.
— F. Dukes (1996)

Sandspit Small Craft Harbour, the Saskatchewan Wildlife Diversification Task Force, the Forest Round Table, the Commission on Resources and Environment and the Northern River Basins Study — all recent examples of contentious environmental issues in Canada that were addressed through consensus-based negotiated decision-making processes. Since the rise of grass-roots activism in the 1960s, environmental issues have become increasingly political: witness the rise of the Green Party and the polarization of global environmental discourse around the dichotomy of liberal democratic "rights" based ideology, which leans to technocratic, mitigatory solutions to environmental issues, to more left-leaning participatory beliefs, which advocate solutions that minimize human impact and respect intrinsic environmental values.

In the past decades, increasing pressure has been exerted on the judicial system and on political representatives by concerned citizens who are demanding a greater participatory role in environmental decision-making. Although initially a Western phenomenon, as aboriginal and indigenous peoples have become increasingly vocal about their concerns for sovereignty and autonomy, the clamour for a more participatory decision-making process has taken on a global cast. In Canada and the United States, dissatisfaction with the "flaws" of representative democracy — the "tyranny of the majority"; short-term political commitment; the inadequacies of the voting process; technical complexities of contemporary decision-making; and the emphasis on winner-take-all solutions (Susskind & Cruikshank 1987) — has resulted in a trend towards the application of negotiated, consensus-based processes that attempt to include as participants in discussion and decision-making all those with interests in the issues to issues and conflicts in public policy debates.

The Maligne Valley Collaborative Process provides an excellent opportunity to examine a case study in consensus-based dispute resolution processes in order to evaluate their success based on criteria elicited from participants. Environmentalists and commercial operators disagree strongly on the appropriate level of development, if any, for the protection of the ecological integrity of the valley. Intense lobbying of Parks Canada has created a decision-making dilemma for park managers. How can they arrive at a resolution of these conflicts and issues that will satisfy all parties? Their conventional response of "Decide-Announce-Defend" (D.A.D.) was being met with strong resistance; lobbying groups that opposed Parks' decision to protect the Harlequin duck breeding habitat from the effects of white water rafting through river closures entered into litigation with Parks Canada in order to settle the conflict. Public policy decision-makers have been stymied in their attempts to resolve, peacefully, divisive environmental issues of major public interest. Parks Canada responded to this challenge by holding a collaborative process to discuss and debate the impact of human activity on the ecological integrity of the Maligne Valley. They invited major stakeholders in the valley to a series of round table meetings. Stakeholder groups in the Maligne Valley Collaborative

Process met over a two-and-a-half year period in an attempt to achieve consensus on key issues including water quality on Maligne Lake, cross-country skiing in the valley and services and facilities on Spirit Island. This case study in the ethnography of social process allowed a focus not only on the procedural aspects of dispute resolution but also on cultural values, social organization, hierarchy of social values, social relations and the roles and structures of power. The Process was a manifestation of local cultural practice in conflict resolution. This chapter explores the character of conflict resolution by assessing various models for dispute resolution in terms of their potential for relationship-building. First, discussion focuses on the rise of consensus-based dispute resolution processes: what is conflict? what function does it perform in society? how do societies resolve conflict cross-culturally? what accounts for their popularity in Western society? what are the goals of these processes? Next , discussion turns to a discussion of the evolution of cultural theory from systems- to process-based approaches in the sub-field of legal anthropology. The final section describes models of dispute resolution in order to assess the efficacy of Philip Gulliver's cross-cultural model of negotiation and its applicability to consensus-based dispute resolution approaches.

Conflict and Cultural Values

What is conflict? Although it would appear self-evident, a clear working definition of conflict has been difficult to arrive at (Coser 1956; Pruitt & Rubin 1986; Ross 1993a). Ross (16) has provided a useful summary of both the behavioural and perceptual elements of conflict:

> Conflict occurs when parties disagree about the distribution of material or symbolic resources and act because of the incompatibility of goals or a perceived divergence of interests.

Conflict is ultimately the outcome of disagreement between values, discourses and ideologies and occurs in specific cultural settings. Merry and Silbey (1984: 157) comment that

> disputes are cultural events, evolving within a framework of rules about what is worth fighting for, what is the normal or moral way to fight, what kinds of wrongs warrant action, and what kinds of remedies are acceptable.

Ross (1993: 21) defines what he calls the "culture of conflict":

> The culture of conflict refers to a society's specific norms, practices, and institutions associated with conflict. Culture defines what people value and what they are likely to enter into disputes over, suggests appropriate ways to behave in particular kinds of disputes, and shapes institutions in which disputes are processes. In short, a culture of conflict is what people in a society fight about, whom they fight with, and how they go about it.

Theorists in the anthropology of conflict have identified a range of social strategies that have been used cross-culturally to settle disputes. Figure 2.1 provides an exhaustive listing of these strategies. In summary, these various possibilities can be classified into four main groups:

- avoidance (prevention)
- social sanctions
- mediation and
- violence.

Conflict Resolution Type
alliances
apology (for disruption of social order)
avoidance and withdrawal
banishment, ostracism, exile
blood money
capital punishment
councils
duels
fissioning
gossiping
harangues
homicide
human sacrifice
humour (joking relations as form of social control and intragroup harmony)
kin avoidance - preventing conflict
mediation
militarism
peace making
rituals of conflict
rituals of reconciliation
shunning
social control: socialization process; individual self-control, public opinion, reciprocity, supernatural sanction; retaliation; formal agencies of authority
song duels
sorcery (threat of)
verbal aggression
warfare

Figure 2.1: Forms of conflict resolution used cross-culturally (adapted from Levinson 1994)

Lund, Morris and LeBaron Duryea (1994: 24) maintain that "The context of conflict resolution includes, in every case, a cultural context." In addition to the commonly held view of culture as pertaining to race and ethnicity, the authors identify a range of cultural differences such as age, gender socioeconomic status, religion, etc., that affects

- how conflict is perceived, identified and approached
- the kind of conflict resolution process
- the appropriate degree of neutrality
- definitions of success of the resolution, including procedural "fairness"
- knowledge and skills required
- accountability mechanisms.

Lund *et al.* also note some universal principles of conflict resolution including the need for respect, caring and procedural fairness. They also point out several other factors that have an impact on the cultural efficacy of dispute resolution: the importance of collectivist and individualist cultures; the factor of face-saving; issues of power such as cultural bias racism and discrimination; power and the naming of disputes; and power and emotions in conflict resolution; and finally, a low outward manifestation of conflict by members of some groups.

The authors conclude that the North American mediation model has a "limited usefulness" because of the underlying cultural assumptions that are thought to be universal:

- conflicts are in essence communication problems
- there is a middle ground where both parties can get some of what they want
- the best way to resolve conflict is to get both parties to sit down at the table and have an open discussion of the issues
- parties in conflict emphasize individual interests over the collective
- a third-party intervenor is a neutral person with no ties to any of the parties
- assessment of conflicts should follow reasonable and rational formats and policies.

Galtung (1997) argues that the two essential differences in style of conflict resolution can be attributed to theological principles of time: on the one hand, Occidental (Christianity and Judaism) with its notions of beginning (genesis) and end (apocalypse) while on the other hand the Oriental, Buddhist philosophy in which time could be likened to an infinite river flowing from eternity to eternity. In application to concepts of conflict, Occidental beliefs lead to the linear model of conflict that has a beginning and an end whereas with Buddhist concepts, a conflict may be transformed, but not extinguished. Galtung also comments that a social cosmology of individualist and collectivist elements also has an effect on modes of conflict resolution. In Christian thought, conflict is individualized whereas in Buddhism, conflict arises within a collectivity and therefore must be addressed through relational means. The Semai of Malaysia, for example, manage conflict through the community values of nurturance, dependency and nonviolence (Robarchek 1997).

Another misconception about conflict is that it is something to be avoided or quickly resolved in order to return society to stability and harmony. Nader (1990) takes issue with this view; she claims that the goal of harmony of social relations can, in fact, be promoted hegemonically by those with power and authority in order to suppress social criticism and unrest. The corollary of this is that conflict can actually promote social good: "Conflict in and of itself is not inherently bad. In fact, sometimes it is good: it keeps federal officials alert, helps define issues, promotes checks and balances in agency decision-making, encourages creative solutions to problems, and ensures that the many interests at stake will be heard" (Wondolleck 1988: 2). As Dukes (1993: 165) notes, however, "making conflict productive is the challenge." Rather than protest over issues of class, power and distribution of resources, contemporary conflicts, he argues, tend to be less amenable to classification and instead form a nucleus around the drive for elemental human needs: identity, recognition and security. Many practitioners (Fisher, Ury & Patton 1991; Moore 1996) consider that consensus-based dispute resolution processes, by addressing underlying interests and power differentials of stakeholders, can produce integrative solutions to problems and disputes.

Consensus-based Dispute Resolution Processes

The process of environmental dispute resolution is strongly influenced by cultural values of justice: attempts to evaluate what is "fair" or "just" in environmental and public policy debate. Clayton (1996) argues that the determination of what is "fair" is increasingly considered a procedural question, one that is resolved more and more frequently in favour of Alternative Dispute Resolution (ADR) processes. The trend towards consensus-based processes for the resolution of public policy issues is a recent one. Although there was some interest during the late 1960s and early 1970s, Fisher and Ury's publication of *Getting to Yes* ([1981] 1991) popularized the concept among business and government decision-makers. Much of the popularity of ADR stems from frustrations with the high costs and lengthy procedures associated with judicial resolution. Interestingly, some of the early conceptualizing was influenced by work in anthropology — specifically James Gibbs's report on the "Kpelle Moot" (1963) and Philip Gulliver's (1979) attempt to devise a cross-cultural, processual model of negotiation.

Fisher and Ury ([1981] 1991) define the classic problem of negotiation as "bargaining over positions." Much of the debate over public policy issues consists of each party maintaining a strong position that does not allow for any middle ground. They therefore advocate that the parties to the negotiation should incorporate the following methodological criteria if they are to negotiate a "win-win" solution:

- separate the people from the problem
- focus on interests, not positions
- invent options for mutual gain
- insist on using objective criteria.

Much of the language in *Getting to Yes* (win-win solution; mutual gain; interest-based negotiation; separate the people from the problem, etc.) has become an integral part of the discursive practice in alternative dispute resolution.

The specifically "alternative" characteristic of ADR processes is that they attempt to resolve issues through consensus, rather than adversarial means. The British Columbia Round Table on the Environment and the Economy defines consensus as "general agreement." It elaborates that "Consensus differs dramatically from other forms of decision-making, such as voting or appealing to a higher authority, in that the process seeks to avoid creating 'winners' and losers.' Reaching agreement by consensus means that all parties with a stake in the issue at hand agree to the decision" (1994: 16). Barbara Gray (1989: 5) suggests that "collaboration is a process through which parties who see different aspects of a problem can constructively explore their differences and search for solutions that go beyond their own limited vision of what is possible."

Goals of Conflict Resolution

What constitutes a successful consensus-based process varies depending on the goal that parties assign to the process. Simplistically, one of the basic goals is to achieve agreement. In reality, however, the goals of each participant may differ in two ways: first, there may be more of an emphasis on the structural or *procedural* aspects of the negotiation. This would include such considerations as timelines, agendas, representation establishing ground rules and behavioural guidelines and identifying and designing a process for consensus building and the presence of a neutral third-party. The criteria for success associated with procedural aspects of the dispute resolution process emphasizes fair outcomes.

The other goal can be labelled *relational* and consists of building trust and co-operation, and identifying emotional and psychological interests of the parties. This focus has evolved from early approaches in mediation practice that endorsed a therapeutic style of third party intervention. Dukes (1996) argues for an emphasis on community relatedness in order to achieve successful resolution to public conflict. He argues for the "sustainability of human relations," a goal that cannot be accomplished by the reliance on the discovery of common interests alone. He maintains that "disputes are not solely clashes of interests. They also involve struggles for recognition, identity, status, and other resources less tangible than are immediately apparent" (138). Dukes suggests that consensus-building processes should seek not only common ground, but "higher ground" and that the vehicle for transforming self-interest to mutual interest is "relatedness":

> Relatedness is ... found in such qualities as a sense of responsibility for one's actions; a sense of obligation to those who are dependent; and loyalty to those who have extended themselves for others. It is found in a respect for the traditions of one's own and others' cultures; recognition of one's shared humanity; and understanding of, and even empathy for, the meaning others impart to their beliefs, values, and needs. It is, in short, a way of honoring the individual integrity which so often is hidden or assailed in adversarial situations and institutions (169).

These goals correspond to the Occidental and Oriental concepts of conflict identified by Galtung (1997): the procedural identifies a linear and rational path to agreement, whereas the relational describes conflict as an enduring and recurring aspect of community life. Kolb and Kressel (1994) have identified these two approaches as *pragmatic* and *transformative* and argues that third-party mediators usually adopt a *settlement* or *communication* frame in order to carry out their preferred approach.

It should be noted, however, that one approach is not necessarily better or more right than the other; *the creative tension that lies at the boundaries of these two approaches is critical to the success of consensus-based approaches to dispute resolution.*

Shifts in Social Theory

Metaphors that describe the functioning of society have abounded in anthropological theory, beginning with Herbert Spencer's "society as organism" in the mid-nineteenth century through to the more recent mechanistic analogies of the structuralisms. Essentially, these metaphors were attempts to describe and define ways in which social order was achieved and maintained and social norms reproduced. Durkheim's fixation with "solidarity," both organic and mechanical, attests to this paradigm of society as a stable and cohesive entity. His famous maxim, "treat social facts as things," further entrenches the notion of fixity — imagine the utterly different path social theory would have travelled if Durkheim had suggested that we "treat social fact as *process*."

Vincent (1986) argues that *systems* (or more conventionally termed *structural)* thinking in anthropology — with its root metaphors of machines and organisms — should be viewed in contrast with more recent *process* thinking that concerns itself with context and historical event. Rather than the pattern of exogenous change and return to equilibrium (which in Vincent's view "can only be a theory of variation" (103)), process thinking "leads to the delineation of forms of explanation other than cause and effect [and] usually results in a perception ... of a meaning that transcends events" (V. Hunter in Vincent 1986: 102).

Models of social life have changed radically since early functionalist theorists proposed the metaphor of interdependent organism. Vincent's argument that the organistic and mechanistic metaphors, that is, structural thinking, have been replaced with process models is compelling. It allows for the inclusion of the dynamics of social change through process as well as for a primary role for the human agent in initiating and shaping these changes. These process models also account for the social interrelationships as well as the structures that promote and support the development of community and its ongoing processes. In this view, *social life consists of a dialectic interrelationship between structure and process.*

This interrelationship is now embraced by science theorists, who are questioning former theoretical assumptions of the stability and objectivity of matter. Scientist Erich Jantsch (1980: 6) elaborates:

> this new understanding may be characterized as process-oriented, in contrast to the emphasis on 'solid' system components and structures composed of them .... whereas a given spatial structure, such as machine, determines to a large extent the processes by which it can accommodate, the interplay of processes may lead to the open evolution of structures. Emphasis is then on the becoming.... a system now appears as a set of coherent , evolving, interactive processes which temporarily manifest in globally stable structures that have nothing to do with the equilibrium and solidity of technological structures. Caterpillar and butterfly, for example, are two temporarily stabilized structures in the coherent evolution of one and the same system.... Not only the evolution of a system, but also its existence in a specific structure becomes dissolved into processes.

Similarly, social theorists are incorporating a process-oriented perspective into their explanation of social life and particularly social change. David Harvey, a social geographer, describes a dialectics of social life by arguing that "things" (including people) have value only in terms of the social processes that validate them. In the case of money, "without the processes continually working to support it, money would be meaningless" (1996: 50). He goes on to elaborate on this dialectic relationship between the "thing" and the contextual processes which constitute it:

> Elements or "things" (as I shall call them) are constituted out of flows, processes, and relations operating within bounded fields which constitute structured systems or wholes. A dialectical conception of both the individual *"thing"* and the *structured system* of which it is a part rests entirely on an understanding of the processes and relations by which thing and structured system are constituted.... Dialectics forces us always to ask the question of every "thing" or "event" that we encounter: by what process was it constituted and how is it sustained? (50).

To Robert Murphy (1971: 88), "The basic issue confronted by dialectical thought is the estrangement of man's existence." Dialectics describes "existential contradiction" in social life that is in contrast with the equilibrium theory of structural-functionalism in which a heuristic unity and stability is extracted from social life for the purposes of analysis and description. Dialectics is a study of "becoming and transformation" (116).

Harvey identifies a set of principles of dialectics which describe the postmodern application of the concept. The first principle states that dialectics concerns processes, flux and flow rather than things, structures and elements. In fact, things do not exist outside the processes in which they are situated and which constitute them. When forming abstract theories about the world, it is essential to conduct an analysis of process, in all its ambiguity, as it manifests in things.

All things are constituted by process, Harvey argues, despite the appearance of solidity and permanence. Further, things are seen as contradictory in dialectical thought because of the multiple processes that constitute them. Because there are many processes influencing and generating things, the characteristics of things can often be contradictory, paradoxical or even irreconcilable. Harvey notes that if things are heterogeneous by virtue of the contradictory processes which constitute them, then in order to study the thing, we must focus on the process and relations they internalize.

Space and time are contingent, rather than external, to processes; in other words, processes actively construct space and time. Unlike structural-functionalist theories in which the whole consists of the sum of its parts and the parts contribute to the whole, in dialectical analysis, parts and wholes actively reconstitute each other and are therefore considered mutually constitutive. There is no centre, or "whole," for endogenous factors to act upon. Thus cause and effect, and subject and object, are reversible in dialectic thought. In fact, causal argumentation is considered irrelevant. Transformation, and transformative behaviour, is generated, not by some causal factor, but by the contradictions inherent in the internalized contradictions of things. "In the dialectical view, opposing forces, themselves constituted out of processes, in turn become particular nodal points for further patterns of transformative activity" (54).

The most important principle, according to Harvey, is that all things, systems and aspects of systems are subject to change. Dialectical thinking emphasizes "possible worlds" as, for example, potentialities for change, for self-realization, for the construction of new collective identities and social orders and new totalities.

Legal Anthropology: From Rules to Process

In the discipline of anthropology, conflict resolution among social groups is studied as an aspect of legal anthropology. Since non-industrial societies did not necessarily have a juridical system similar to that of Western civilization, much of the early ethnographies in this area describe the resolution of conflict from joking relationships to violence and war as a form of social control that serves as a form of norm or rule-based law. Even as anthropologists turned to the ethnography of conflict and dispute resolution in earnest in the 1950s, they at first focused on rule-based analyses of social order in "primitive" societies. As social theory developed a more processual outlook in the ensuing decades, however, patterns of thinking in legal anthropology also shifted from a systems to a process orientation and analysis.

One of the central concerns of early thinking in this sub-discipline was to determine how social order is maintained in societies without European law (Merry 1988). Early answers to this question suggested that "the rules were followed 'automatically', as a matter of course; that 'the savage ... is bound in the chains of immemorial tradition'" (in Roberts 1979: 190). Evans-Pritchard (1940: 162) notes that "In a strict sense Nuer have no law.... [T]here is no authority with power to adjudicate on such matters or to enforce a verdict." Malinowski, in attempting to dispel these early notions that primitive law consisted of instinctive submission to cultural tradition made the observation that in Melanesian society there existed "a definite system of division of functions and a rigid system of mutual obligations, into which a sense of duty and the recognition of the need of co-operation enter side by side with a realization of self-interest, privileges and benefits" (1964 [1926]: 20). Conflict, in this system, is kept in check by a cultural understanding of one's role and status and the need for adherence to cultural norms regarding duty and obligation. Thus, for the most part, knowledge and adherence to norms of "mutual obligation" functioned in such a way as to induce law abiding behaviour and a smooth-functioning whole.

Later writing in the ethnography of judicial systems in "primitive" societies focuses either on the rule-based nature of native law or on the breach and restitution of the breach of societal norms. Hoebel (1954: 28) offers the following definition of law in small-scale societies:

> *A social norm is legal if its neglect or infraction is regularly met, in threat or in fact, by the application of physical force by an individual or group possessing the socially recognized privilege of so acting.*

He notes that investigation of law in these societies is predicated on rules as well as practice. Bohannan (1957: 19) states that among the Tiv, the court decision "seldom overtly involves a point of law, in the sense that we think of a rule or law.... The purpose of most *jir* [native courts] ... [is to] decide what is right in a particular case. They usually do so without overt reference to rules or 'laws.'" He concludes that the *jir* is "a counteraction on the part of society following upon the occurrence of social acts which could be called 'breaches of norms.' The *jir* is followed by still other social acts which bring about a correction; either re-establishment of the norm or retribution for its breach" (211). The purpose of both native courts and the colonial "moots" is "to make the community run smoothly and peacefully" (213). Gluckman's ethnography (1955: 229, emphasis in original) of the juridical system of the Barotse stresses law as

> *a set of rules accepted by all normal members of the society as defining right and reasonable ways in which persons ought to behave in relation to each other and to things.*

The judge in each case determines which legal rules will be applied and enforced in that particular dispute and "by their very statement they make those rules legal" (231).

Another theme running through these ethnographies is that conflict in society performs the function of returning it to its former state of stability and equilibrium. Gluckman (1963 [1955]: 2) states that "conflicts ... lead to the re-establishment of social cohesion. Conflicts are a part of social life[,] and custom appears to exacerbate these conflicts: but in doing so custom also restrains the conflicts from destroying the wider social order." And, of course, social structures such as kinship systems, age-grades and descent systems also functioned as forms of social control that imposed order, were implicated in the procedures and norms for the settlement of dispute and, to a certain extent, prevented conflicts from occurring (Gulliver 1963; Colson 1960; Bohannan 1957).

More recent debates in legal anthropology take issue with the rule- or norm-based model of law. Geertz (1983: 168) finds "most curious" the "endless discussion as to whether law consists in institutions or in rules, in procedures or in concepts, in decisions or in codes, in processes or in forms." He argues that a distinction should be made between "fact" and "law," the former a representation of "what happened and was it lawful," while the latter focuses on "the relation between actual patterns of observed behavior and the social conventions that supposedly govern them, what happened and was it grammatical" (170). He expands on this by stating that "the 'law' side of things is not a bounded set of norms, rules, principles, values, or whatever from which jural responses to distilled events can be drawn, but part of a distinctive manner of imagining the real" (173).

Other commentators, however, have described a more processual approach to legal ethnography and define it as "the intensive study of processes of social control in a limited area of social life viewed over a period of time. The emphasis on detailed, temporally extended case studies also implies a focus on processes of change" (Moore 1978: 254). Merry and Silbey (1984: 158) argue that a model of dispute behaviour should look beyond the rational-choice models of conventional decision-making and acknowledge that much of dispute behaviour "continues to be governed by affect, habit, and conceptions of right, appropriateness, or fittingness that are not subject to rational evaluation." Moreover, the analysis of law should not consist of a system of rules but "a process for handling trouble cases." They further argue that this approach "paralleled a more general shift within the field to a more voluntaristic, actor-centered mode of analysis. The description of societies came to focus more on actors' strategies and choices rather than rules of behavior, on fleeting and ephemeral social aggregations such as networks and factions rather than enduring groups such as lineages and clans" (159).

Merry (1992) summarizes recent trends in legal anthropology as concern with transnational processes; attempts to incorporate a more negotiable and ambiguous process of rule-centred dispute resolution; a cultural analysis of law focused on the meanings created by social actors and legal institutions; legal pluralism; and an increased attention to power relations in law. Vincent (1986) comments that legal processes are inextricably entwined with political and social processes. She notes that analysis of dispute processing has "moved beyond the bounds of the courtroom to its temporally and socially contextualizing processes" (106). Identifying the cultural characteristics of conflict and conflict resolution processes is therefore the next step in the shift from rule-based legal anthropological approach to a more process-oriented one.

Gulliver's Model of Conflict Resolution

Most models of conflict resolution processes in the literature are essentially linear, although some discuss the possibility, and advantages, of returning to previous stages. The value of Philip Gulliver's (1979) approach, however, is that he champions a "circular" character of negotiations, in addition to the developmental one. Gulliver (1979) is concerned with developing a generalized model that would represent a universal, cross-cultural approach to negotiation. His approach is primarily inductive; that is, he used case studies available at the time of writing and analyzed them for procedural content. He is also a proponent, however, the deductive approach in that the model should be tested in "real life." Gulliver proposes a two-fold dynamic of negotiation: on the one hand, the developmental aspect represents the unfolding, linear progress of the negotiation; while on the other hand, the circular records the "dominant disposition" at each stage. His model is reproduced in Figure 2.2 below.

Phase	Dominant Disposition
1. Search for arena	From antagonism to co-ordination
2. Agenda formulation	From antagonism to co-ordination
3. Exploration of the range of the dispute	Antagonism persists (possibly increases)
4. Narrowing differences	From co-ordination to antagonism
5. Preliminaries to final bargaining	From co-ordination to antagonism to co-ordination
6. Final bargaining	From antagonism to co-ordination
7. Ritual confirmation	Co-ordination remains

Figure 2.2 Gulliver's universal model of negotiation (1979: 183)

The value of Gulliver's model is that it reflects a two-dimensional theory of negotiation. Resolution of disputes is more complex than laying out an agenda of phases to follow. As he notes, "that is too simple.... These phases are not in practice, nor in conception, altogether congruent with linear, chronological time" (121). It is not unusual for two, or even three, phases to overlap in time; nor is it desirable to ignore the possibility that negotiators may return to an earlier phase, in effect or by deliberate intent.

This alternation of phases of the negotiation can be seen in a more contemporary approach, that of Craig Darling's process framework for consensus-based dispute resolution. Darling, a professional mediator practising in Canada, has produced a framework he refers to as a "pentalectic circle." As the name implies, it consists of five phases of the negotiation process: Assessment, Process Design, Agreement Building, Implementation and Monitoring and constitutes a "shared decision-making framework." The innovation with Darling's model (shown in Figure 2.3 below) is two-fold: first, the model is circular, not linear, so that the end of the process can also signal the beginning of the next. The second, related innovation is that unlike most Western models Darling incorporates the dynamism of the inevitable revisiting of earlier steps. This is particularly observable in many dispute resolutions that invariably want to begin with "Agreement Building" and find they need to return to "Process Design" to establish ground rules for the process. Another dynamic aspect of Darling's "shared" decision-making framework is that every phase of the model — Assessment, Process Design, Agreement Building, Implementation and Monitoring — is in itself another pentalectic circle of shared negotiating. In this way, layer after layer of negotiation takes place until the parties are satisfied that a consensus agreement has been reached.

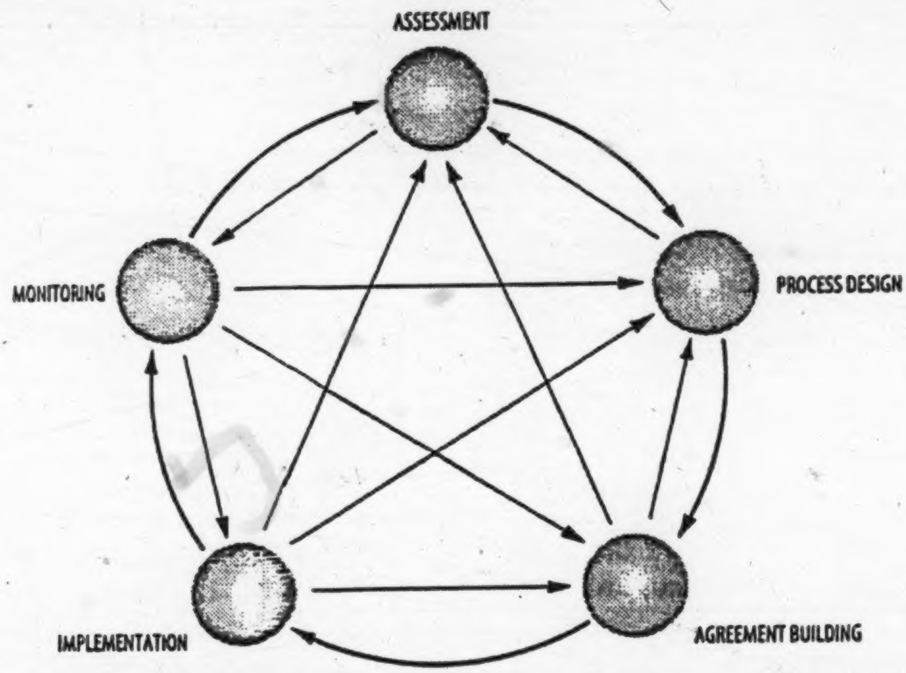

Figure 2.3 The "Pentalectic Circle" representing a shared decision-making framework (Darling 1996: 117)

Despite the innovations of Gulliver's model, there are three critical aspects of dispute resolution that Gulliver does not address: first, his model, while it represents a shift to actor-oriented approaches to ethnography away from description of stable communities, does not provide the contextualized reference to historical, political and social elements of social conflict; second, ethnographic approaches to meaning, based on the interpretation of discourse are not included; third, as Moore (1995) argues, Gulliver's model does not incorporate the feelings and emotions which arise from the process of negotiation. She comments that he presumes that settlement will be reached, ignoring the potential for breakdown in communications that could lead to failure. This potential for failure creates personal and political risks for participants and stirs up strong feelings. Moore notes that Gulliver's "engagement is entirely with the internal sequence" of the negotiation process and the "rhythmic way the interaction proceeded to the result" (1995: 29) rather than with the discovery of "what kind of residue is left behind by supposedly 'closed' episodes" (31), such as the perception of fairness of the agreement and other subsequent consequences related that emerge with the flow of time.

Emotions, Values and Community in Dispute Resolution

Recent work in the field of dispute resolution and risk assessment grapples with the incorporation of values and emotions in decision-making processes involving public participation. Craig Waddell (1996) describes four models of public participation, two of which are pertinent to the discussion here: the *technocratic* model is one in which technical decisions are left to the scientific, industrial and government experts who are expected to reach consensus after deliberation (cf. DeSario and Langton 1987: 3-17). In this model, no formal public participation role is encoded, although, as per Arnstein's classic ladder of public participation (1969: 217), usually some form of information gathering or consultation is carried out, forms which Arnstein refers to as "degrees of tokenism." Risk communication in this model consists of one-way transfers of information from experts to the public. "Risk communicators and scientists commonly believe that if people perceived the costs and benefits of the alternatives more accurately, or if the risks were more effectively communicated, conflicts about risk management options would be easier to resolve. In the extreme, risk management programs that believe the public is just misinformed may not encourage public participation, or only do so in a manner known as 'decide, announce, defend'" (Gibson 1996: 22).

According to Waddell (1996), a more appropriate model for public participation is the *social constructionist* model. Unlike other, inchoate models of public participation, the participatory model assumes that the process of decision-making is influenced by the values, beliefs and ideologies of *both* expert and lay participants. "Under this model, risk communication is not a process whereby values, beliefs, and emotions are communicated only from the public and technical information is communicated only from technical experts. Instead, it is an interactive exchange of information during which *all participants* also communicate, appeal to, and engage values, beliefs, and emotions" (142). Thus, concludes Waddell, "the distinction between 'expert' and 'public' begins to blur."

Ozawa comments that consensus-based methods of risk assessment assume that "differing scientific and technical opinions and supporting evidence can be legitimate, given the existing state of knowledge. That is, rather than to dismiss all arguments but one, or attempt to gloss over differences in scientific or technical judgments, the decision makers and stakeholders [attempt] to ascertain the degree of confidence that could be placed in various scientific or technical arguments" (1991: 73). Ozawa states that one of the goals of consensus-based processes should be to "bring all individuals up to a common plane of technical competency" (74).

Estellie Smith (1996: 201) observes that "scientists and their findings often disagree" and that "as scientists constantly bemoan, their findings are seldom the pivotal point of public policy-making. Rather it is, increasingly, a triage process; decisions are made according to such practical concerns as economic feasibility, realpolitik, and public emotion." In her case study of the co-management of fish stocks in the United States, she concludes that "A majority, if not all of the participants in the management process, fall into one of two camps relative to the nature of Nature.... On the one hand are those who view Nature in classic Newtonian terms; on the other hand are those who view Nature in the terms strikingly parallel to the model suggested by the newly emerging science of chaos. Adherents to the first position model the world in terms of linear relationships, adherents to the second model it in nonlinear interweavings" (207). These two approaches to nature correspond with the two primary groups participating in the co-management process, the scientists/government and the fishermen themselves, or expert and the lay knowledge, which begs the question, is there only one approach to scientific knowledge or should cultural factors of epistemology be considered? (Asquith 1996).

The "linear model" group sees Nature as a system in which there is periodic order; the nonlinear model group recognize that there is a reason for events in nature, but at the same time recognize that they "operate within an unpredictable universe" (Smith 1996: 208) in which natural processes are complicated, dynamic and possess meaning which intensifies in transformational potential. These two models of nature, Smith argues, are at the heart of the conflict in fish stock co-management. Significantly, these linear and nonlinear models of nature correspond to the structural-functionalist and processual/dialectic (postmodernist, if you will) models of social life and social transformation. As I shall argue later (Chapter 5), the intractability of dispute resolution is as much due to these differing views of process as it is to different values and ideologies and competing discourses regarding the issue under debate.

Clayton (1996), in a study of fairness and justice in environmental conflict and debate, concludes that "justice is not determined democratically" and that "perceptions of fairness with regard to environmental issues are likely to be subjective and biased" (207). Further, she argues that

> When different notions of justice are in conflict, resolution of dilemmas should occur not through competing entitlements under a single principle of justice but through negotiation to develop a consensual principle.... Thus the solution to current environmental debates that are couched in the language of justice may be to *promote open discussion of fairness in which all relevant parties are represented* (207, emphasis added).

Similarly, Ozawa (1991: xi) contends that "consensus-based procedures offer opportunities for reconciling the political values in science with the more overt political contests seething beneath the surface of public decisions." According to Ozawa, consensus-based processes can address substantial concerns of advocacy science in which "science is ... a weapon wielded by contending stakeholders endeavoring to defeat alternatives they find less desirable" (xi); these processes can promote understanding of the causes of scientific disagreement; build a consensus on technical aspects of a decision; and/or provide a forum for reaching agreement despite the presence of technical uncertainty. The aim of these procedures is to clarify, resolve or avoid disputes on key scientific and technical aspects of a decision.

Cothern's model is one that follows Waddell's definition of "social constructionist." It acknowledges the values and belief systems of all participants at the common table, and regards values as input to the dispute process at every stage of the decision-making process. This model is reproduced in Figure 2.3 below:

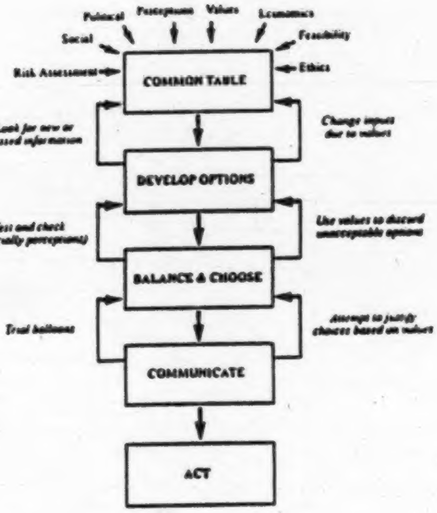
Political
Perceptions
Values
Economics
Social
Feasibility
Risk Assessment
Ethics
COMMON TABLE
Look for new or missed information
Change inputs due to values
DEVELOP OPTIONS
Test and check (especially perceptions)
Use values to discard unacceptable options
BALANCE & CHOOSE
Trial balloons
Attempt to justify choices based on values
COMMUNICATE
ACT

Figure 2.4 Cothern's model of risk assessment showing values as input to the process (1996: 59)

This model represents a "quick snapshot of a continuously changing process" (58). The first step involves gathering information from a variety of stakeholders and bringing it to a "common table." At the option generating stage, information from the common table phase is scrutinized using value judgements to determine what is missing. In the third stage, values and value judgements affect the choices between options and are used to test and check options. "Trial balloons" are then floated to test their acceptability and are rationalized on the basis of values.

Others too are emphasizing the importance of values in the risk assessment process and the need to separate the process of risk *assessment* which has classically relied on "objective" data, from that of risk *management*. which acknowledges a more subjective, political bias. Brunk *et al.* (1991: 6), for example, remark that the risk assessment process is often political and is "a debate among different value frameworks, different ways of thinking about moral values, different conceptions of society,a nd different attitudes toward technology and towards risk-taking itself." Thus they call for a model that incorporates componenets such as "inherently normative issues"; the role of "value frameworks" in addressing these normative issues; uncertaintly and the role of judgement; the adoption of a variety of "arguementation strategies" that form responses to questions of the degree of rigour of scientific data; who has the burdent of proof;a dn what attitude toward risk is adopted (risk-taking or risk-aversion). These strategies constitute the "frame" by which scientific data is interpreted. Still others have proposed an iterative model with stakeholders involved in defining the problem (U.S. National Academy of Science 1996; U.S. Presidential/Congressional Commission on Risk Assessment and Risk Management 1997).

Darling (1991) notes the "complexities" of shared decision-making: power balancing, cultural differences and the emotional or "human" aspects of the process including "personality clashes, fearmongering, intimidating behaviour and lack of trust" (1991: 34). These aspects of dispute resolution frequently incorporated into non-Western processes, whereas Western models often do not address relational concerns. For example, William Ury (1995) in his study of South African Bushmen identifies six goals of their conflict management system: to prevent disputes; to heal emotional wounds; to reconcile divergent interests; to determine rights and norms; to test the relative power of the parties; and to contain any unresolved disputes by channeling them back into the system for resolution. In order to achieve these goals, the third force of concerned relatives, friends and elders which

> serves as the container within which the work of conflict resolution is performed. Emotional wounds and injured relationships are healed within the context of the emotional unity of the community. Opposed interests are resolved within the context of the community interest in peace. Quarrels over rights are sorted out within the context of community norms. Power struggles are contained within the context of overall community power (387).

The *ho'oponopono* process, from Hawaii, identifies twelve steps that parties proceed through (although the process is also quite variable), each of which has its own purpose. In general, the rationale is to resolve the dispute, but also to rid the parties of the accompanying emotions of anger and guilt that can result in illness.

Steps in Ho'oponopono

1. Gathering of disputants
2. Opening prayer
3. A statement of the problem to be solved
4. Questioning of the participants by the leader
5. Replies to the leader and a discussion channeled through the leader.
6. Periods of silence
7. Honest confession to the gods and to each of the disputants
8. Immediate restitution
9. The "setting to right" of each successive problem (repeat above steps if necessary)
10. Mutual forgiveness of the other and releasing him from the emotional effects of the dispute
11. Closing prayer
12. A meal or snack

Figure 2.5 Steps in the *Ho'oponopono* dispute resolution process (Wall & Callister 1995)

What is central to this model is the interwoven strands of the spiritual, procedural and relational aspects of traditional Hawaiian dispute resolution. Wall and Callister (1995) maintain that Western models of conflict resolution are predicated on a logical perspective, one that downplays the emotional aspects of a dispute. They comment, however, that "in most conflicts, emotions play a central role, serving as causes, effects, and as critical elements of the core process" (51). In *ho'oponopono* mediation, the procedural aspects such as questions and replies channeled through the leader, as well as periods of silence, help to balance the emotional catharsis.

Marg Huber (1993), a mediator in private practice and a trainer at the Justice Institute of British Columbia's Centre for Conflict Resolution Training in Vancouver, reports on the development of an Aboriginal conflict resolution model based on the four directions of the Medicine Wheel. Each of the four directions represents a phase of the process and in this way, "the Wheel serve[s] as a visual and spiritual map to orient clients to the process. Both person and process are then in alignment and harmony" (358). The process begins in the East with "Setting the Climate." Rituals of aboriginal spirituality are invoked in order to ground the process in the spiritual and make "emotional expression safer and ease[s] the discussion of difficult issues" (359). Next, the South represents the "Telling the Story" phase. In this step,

> Emotional expression is encouraged. Parties are invited to speak openly of their perspective; listeners are encouraged to really understand what the other is saying, feeling, and experiencing. Until feelings are understood and released, they continue to block capabilities for genuine love and warmth, clear thinking, and effectiveness (359).

The importance of storytelling in aboriginal dispute resolution processes and culture in general is reinforced by LeBaron Duryea & Potts (1993) (see also Cobb 1993). As Lebaron Duryea (388) notes in one of her turns in the "collaborative exchange" with Potts:

> Stories take us away from a linear thought pattern, giving us context and life to ideas that may otherwise end as casualties to short-term memory.... Stories communicate values, beliefs, hopes, fears, and dreams of a people in a way that engenders respect and understanding in the listener. They are vehicles that touch not only the intellect but the spirit. They move us beyond getting to the rational "yes" toward getting to the more fundamental "heart."

The next phase, "Discovering What is Important (the West), is one of inward reflection in order that parties understand their own values and needs as well as those of others in the community in order to extend compassion to other participants in the dispute. Finally, in "Creating Solutions" (the North), parties work towards developing a solution that is in keeping with community values. The process achieves closure through a closing circle and prayer.

Other features of the process include premediation assessment, co-mediation, an informal and relaxed tone, the designation of a "talking room," the addition and contribution of elders, a circular seating arrangement, and the use of a rock, feather or talking stick to designate the speaker. Although "considerable interest" has been expressed across Canada and the United States in using this model in the dominant culture, Huber cautions cultural appropriation of the spiritual and sacred elements of the model. Nonetheless, mediators have identified the need for a model that is more holistic, one that addresses relational and community values and concerns.

Each of these non-Western models invest much more heavily in the emotional, relational and spiritual aspects of dispute resolution than the conventional Western model or that described by Gulliver. As Wall and Callister note, these aspects are considered an integral part of the process and are supported by the "third force" of community norms. In addition to the individualist/collectivist distinction between cultural approaches to conflict resolution, theorists also apply Edward T. Hall's (1977) differentiation between "high" and "low" context cultures. Whereas low context cultures, such as Canada and the United States, focus on individual achievement and a linear approach to problem solving, high context cultures, such as tradition, non-Western groups, tend to emphasize a relational approach to conflict resolution (Lund *et al.* 1994). These distinctions are similar to the ones of Occidental/Oriental introduced by Galtung (1997). As described in Huber's model above, the high context/collectivist approach to conflict resolution is also used by Native peoples, both traditionally and in contemporary justice settings (see also Price & Dunnigan 1995).

The attainment of community connectedness in contemporary Western society, however, is much more of a conscious choice and practice. The literature speaks of "community development" and "community-building" and the "creation" of community — efforts to counteract the disintegration and fragmentation of community thought to be a legacy of modernity. Dukes (1996) attributes this, at least in large part, to the "giant economic and political bureaucracies which dominate society." The efficiency of these systems leads to an encroachment on the human-scale of community. Both relational and spiritual elements are missing from the emphasis of material culture in public policy decision-making. He argues that essential values for a caring and compassionate society — trust, honesty, tolerance and co-operation — are diminished through the singular focus on material culture: "Without these values there can be no sense of community, no understanding of the common good, no viable public life at all. And these values can only be inculcated in relationships: with one another, with community, with place" (128).

The argument for conscious community that incorporates a high context/collectivist approach to conflict resolution reinforces the concept of culture as "learned behaviour" and cultural change as having a human agency component. No one approach to conflict resolution is innately bound to a specific cultural group, but rather may be applied in a variety of cultural contexts (as colonialism has made painfully clear). Although consensus-building was originally thought to be the mantra of "New Age flakes," the appeal of this conventionally non-Western, more co-operative and relational approach to problem solving is now gaining ground in corporate management theory (Hesselbein *et al.* 1996, 1998; Peck 1987).

Consensus-based dispute resolution processes are consistent with key aspects of contemporary sociocultural theory. As structural-functionalist explanation of social life gave way to more interpretive and process-oriented theories, the cultural "glue" by which communities establish relationships and develop responsible governance is explained in different terms than kinship bonds and shared cultural norms and values. These static views are now understood in terms of flux, and the "glue" is perceived more as fragmentation. In legal anthropology, which addresses issues of conflict and its resolution, earlier theories of rule-based order in society have been modified to reflect these processual approaches. Dispute resolution is now understood as an empowering process in which participants actively seek to build community through the strengthening of relational bonds.

The question remains for Western models of dispute resolution: how can they address the "human" aspects that Darling refers to of feelings, values and community? In particular, how can such a model address Dukes's (1996) goal of "sustainability of human relations" and the elemental human needs of identity, recognition and security? Data analysis in Chapter 5 includes a discussion of these human aspects and the participants' views on the lack of a "safe" space in which to express their concerns.

Chapter 3

Managing Environmental Decision-making

I am standing on the site of the confluence of the Maligne River and Maligne Lake — the Maligne Lake outlet — on a hot August afternoon. The Maligne Valley is brimming with activity. Sailing, canoeing and tour boating on the lake; fishing, kayaking, whitewater rafting on the river; picnicking, hiking, sightseeing, wildlife and bird watching on shore, and horseback riding, bus tours, bicycle tours on the banks and roadways. The Brewster Chalet, once an overnight accommodation and dining room complex, then backcountry accommodation for Parks Canada staff, now stands empty, closed to public use. To the north, towards the town of Jasper, what was once a rough trail hacked out of a perceived wilderness less than a century ago is now a paved road following the Maligne River, providing access to recreational opportunities including cross-country skiing in winter. It also serves as a salt lick for an isolated herd of woodland caribou, whose numbers have steadily declined to around 100 from a high of 450 in 1961. From the outlet, the river loses elevation precipitously, thereby creating the rapids for whitewater rafting, and below Medicine Lake, 10 km to the north, it disappears into underground karst complexes before resurfacing at the Maligne Canyon. Efforts by Park wardens in the 1930s to determine the source of the underground caverns—including dumping two truckloads of the *Saturday Evening* Post and later a truckload of old mattresses into the sinks—failed. During the fall and winter months, the lake is exceedingly shallow, although with the spring melt, it fills up again. At some point in the future, the limestone caverns below the lake bottom will erode to such a degree that the "lake" will be completely submerged year round. Eventually the river reaches another dramatic karst formation—the Maligne Canyon. Bus and car loads of tourists flock here daily to explore the Canyon, visit the Tea House and view rather blasé bighorn sheep as they stroll across the Maligne Road.

Geologically, this area dates back 600 million years when it was part of a shallow sea stretching from the Arctic to the Gulf of Mexico. Slowly, over millions of years, layered sediment turned to rock under its own weight. Tectonic plate action later heaved the rock into wedges of rock layers, aligned from west to east—a crumpled, folded and compressed mountain range was formed. And in the valleys were lush lagoons, steaming tropical jungles and swamps. Two million years ago, the Ice Age began, and with each of the four advances and retreats, the last withdrawal a mere 10,000 years ago, the carving and gouging of rock surfaces shaped the contemporary Maligne landscape. Glacial erratics, sheer cliffs, the Bald Hills, the U-shaped Maligne Valley, kettles, kames, alluvial fans and deltas and moraines (one of which dammed up Maligne Lake at the northwest end, raising the level of the lake) are among the extreme post-glacial land forms represented here.

Throughout the Holocene era, erosion from water and avalanches along with ice, snow and frost contribute to contemporary processes that continue to sculpt the landscape. The Maligne Valley is by no means complete. Recent advances in ecosystem management reflect this view that the natural landscape does not reach a "climax" state in which homeostasis or static equilibrium is achieved, but rather is continually shaped by "disturbances"—wind, fire, water, ice, and so on (Agee & Johnson 1988). Since human use and occupation of the area from roughly 10,000 BP, however,

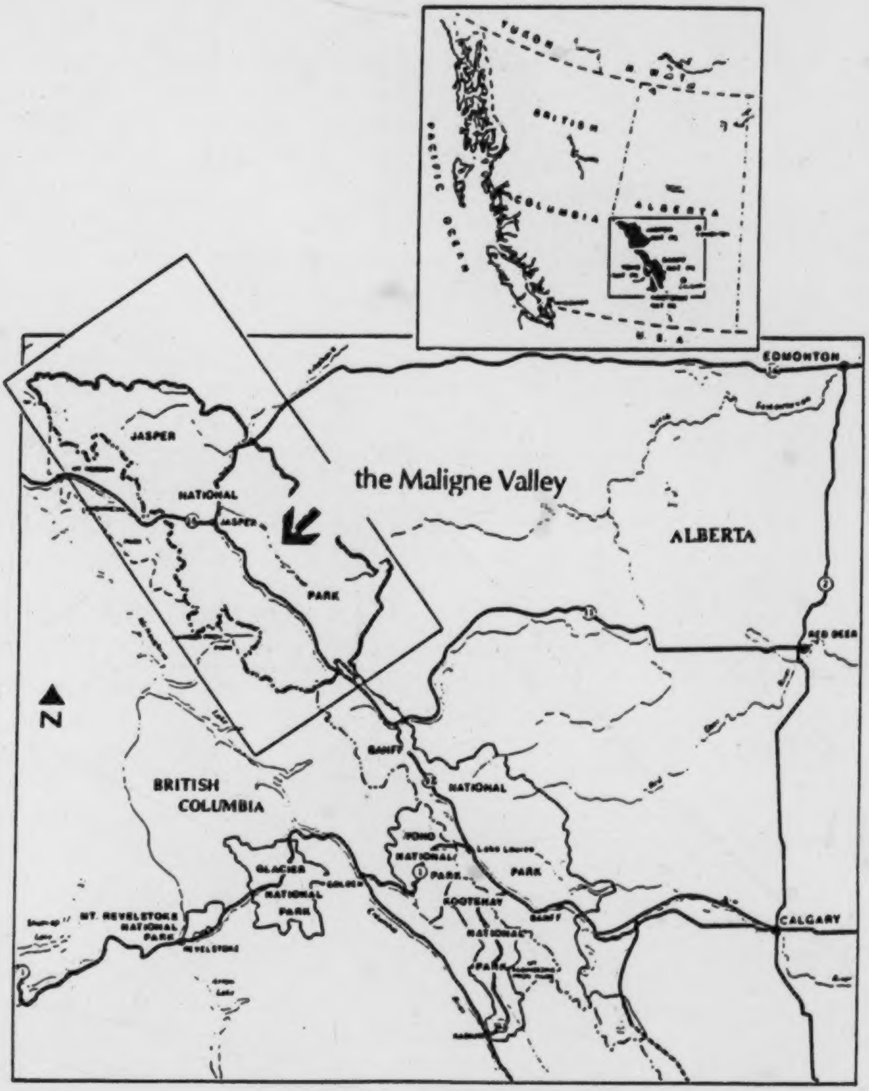
YUKON
N.W.T.
BRITISH
COLUMBIA
PACIFIC OCEAN
ALBERTA
U.S.A.
EDMONTON
JASPER
NATIONAL
JASPER
PARK
the Maligne Valley
ALBERTA
RED DEER
N
BANFF
NATIONAL
BRITISH
COLUMBIA
YOHO
NATIONAL
PARK
Lake Louise
PARK
GLACIER
NATIONAL
PARK
GOLDEN
KOOTENAY
NATIONAL
PARK
BANFF
MT. REVELSTOKE
NATIONAL
PARK
REVELSTOKE
CALGARY

Figure 3.1 Map of Jasper National Park showing the Maliigne Valley (Environment Canada 1988)

natural disturbances have been joined by human manipulation and impact on the landscape which, in the minds of some, have wreaked far greater havoc.

A Brief History of Human Impact in the Jasper Region

It is difficult to establish, with any certainty at this point, the archaeological history of the Jasper area. Some 225 precontact and 250 postcontact sites have been recorded, but few have been excavated (Murray 1996; Mathews 1996). The rapid pace of landscape change during the early Holocene, plus the nature of Paleoindian lifeways—likely ephemeral and with high mobility—preclude the productive excavation of archeological sites from this era. Enough data are available, however, to identify a cultural history within the JNP area that extends from roughly 7,500 BP to the proto-historic period (300 BP). These excavations show that this area was used as a hunter-gatherer site (primarily bighorn sheep, but also some mule deer, bison and caribou) during this later Prehistoric Period (Mathews 1996).

During the Pre- and Protohistoric and Historic Periods, the greater Jasper area was used by Athabascans, Sarcee, Beaver and Sekani north of the Athabasca River, and to the south by the Kootenai and the Shuswap, with later westward migrations of Cree and Assiniboine around 1670. Although ethnographic evidence is sparse, some land-use strategies can be proposed based on data from the archaeological record, ethnographic interpretations and ethnohistoric observations (D. Mathews 1996). Evidence points to communal bison hunting (in the form of "buffalo jumps") and hunting of mountain sheep, lithic procurement (primarily silicified mudstone, orthoquartzite and chert) and use of transmountain trade networks for olivella and dentalium shells from the Pacific Coast, Plateau nephrite, Kootenay argilitte and east Kootenays Top-of-the-World chert, obsidian found near the present-day Jasper townsite from west central and coastal B.C. and bison robes from the Plains to the Shuswap and Thompson. The Jasper Park area may also have been used to procure medicinal plants and roots and for vision quests. The most significant land-use strategy for the purposes of determining ecological integrity in the current national park landscape is the use of prescribed fire in the Prehistoric Period. Mathews (1996) remarks that

> There is a considerable amount of anthropological and historical evidence for the aboriginal use of fire in the Canadian Rocky Mountains and Foothills.... The prescribed use of fire can enhance forage areas for ungulates which are attracted to recently burned areas rich with new grasses, hervaceous sprouts and soil nutrients.... Prehistoric inhabitants of the Rockies were not passively exploiting their surroundings but may have repeatedly fired vegetation, allowing them to structure plant communities in their favor. Native burning may have maintained grasslands favorable to year-round bison habitation and created corridors of less dense forest between the Athabasca and North Saskatchewan River valleys... allowing some bison movement between montane valleys, the foothills and the Plains.

It is hoped that further excavation in Jasper National Park will produce data to illuminate these land-use strategies. The University of Alberta Archaeological Field School, having completed its third summer at JNP, is conducting digs in the montane ecoregion.

Human activity in the historic period would appear to have had a more dramatic effect on the JNP landscape (although evidence of activity in the prehistoric period is not as reliable so it is difficult to assert this with any authority). The Jasper area was first "discovered" by David Thompson in 1811 when he successfully negotiated the Athabasca Pass. Subsequently, the fur trade was an active component of life in the area, and the montane was the site of several Hudson's Bay trading posts. Métis people connected with the fur trade set up settlements in the area, but were later removed to points east in 1910 to make way for the true wildnerness character of the newly created Jasper National Park (Higgs, forthcoming). The introduction of railway lines in 1912 brought visitors to the new park, which, like Banff, boasted a hot springs. A "tent city" was established at the current townsite to house railroad workers, and relocation of the terminal from Lucerne to Jasper (at the behest of the Parks Service) only served to augment the numbers of permanent settlers in the park.

In those early days of "wilderness" attraction, tourists had to travel by rail; automobiles were few and far between—the day that the first two cars arrived in town, they crashed into each other—and in the early 1900s the trip from Edmonton to Jasper took at least 10 hours over rough road. In fact, the Banff-Jasper Highway, which M.B. Williams (1949: 107) exclaimed was "one of the outstanding engineering achievements of the continent," was little more that a gravel road when it opened in 1940.

Travel off the main Yellowhead highway or the rail route, was on horseback and, as such, these areas were not as well explored as the montane valleys. The Maligne Valley, for example, was not approached by white men until 1875 when a CPR crew conducted a feasibility survey. More than 25 years later, Mary Shäffer, a determined Quaker from Pennsylvania, organized a packtrain expedition from Laggan (Lake Louise) which included 22 horses, six riders (including her guide Billy Warren who was later to become her husband) and Muggins, the dog. The only map consisted of a rough, hand-drawn one she had received from a Stoney Indian, Samson Beaver. After an arduous journey, the group reached the south end of Maligne Lake to witness the "finest view any of us had ever beheld in the Rockies" (Forster 1979: 2). Schäffer conducted a more complete survey of Maligne Lake in 1911, aided by the promise of authorities to blaze a trail from Fitzhugh (Jasper townsite). With the opening of this crude trail, local outfitters arranged guided journeys up the Valley, advertised as "less than a ten-hour trip" (26). By the 1920s the tea room at Maligne Canyon had opened, and the (less than) ten-hour trail became a well traveled road, first by horsedrawn buckboards and later by automobile. Boating and fishing were available, and the area became internationally renowned for climbing. A gravel road was built in the early 1930s, and in 1969 a paved road was constructed. In 1937, Fred Brewster discovered the Skyline Trail, which has one of its terminal points at Maligne Lake and is now one of the most used backcountry trails in the park.

Today, national parks are experiencing inordinate pressures from increased visitor populations. As Nash (in Wright *et al.* 1996) remarks, we are "loving our parks to death." Andrew Nikiforuk, in a recent article in *Equinox* magazine critical of national park development, comments that 20 years after the creation of La Mauricie National Park in Quebec, "economic predators without and recreational predators within have reduced what was once wilderness to little more than a troubled urban playground" (1992: 30). Some parks, such as Kluane and Terra Nova, were much smaller than originally intended in order to foster industrial use on the excluded land; water quality in parks is being degraded by acid rain and other pollutants from nearby industrial sites; clear-cut logging took place in Wood Buffalo Park until recently; poachers set up on park boundaries, waiting for prey to cross the line; and the visitor load on some parks is staggering. La Mauricie, a mere 500 square kilometres, receives more backcountry visitors than Jasper and Banff parks *combined.*

The Banff-Bow Valley study, published in 1996, reports that growth both within the park and in neighbouring towns like Canmore will create inordinate pressure on the park in terms of ecological integrity. Already the twinning of the Trans-Canada highway has created a barrier to wildlife migration. As other transportation arteries receive more traffic, pressure will mount for more infrastructure, which in turn will create greater fragmentation of wildlife habitat. As visitor numbers increase, the habitat becomes increasingly unattractive to large carnivores. Predation patterns, due to fragmentation and loss of habitat, are changing, and numbers of wildlife are declining due to road and rail kill. Aquatic systems are declining and becoming less suitable as habitat for native fish species. The sewage treatment plant, originally designed for a capacity of 40,000 people daily, proved woefully inadequate and was upgraded to 50,000. This capacity is also becoming increasingly inadequate for the number of residents and visitors. In addition, there is only secondary, not tertiary, treatment of wastes. Despite the current cap on development in the town of Banff, pressure will increase on Parks managers to provide services and accommodation for an ever burgeoning number of visitors.

Jasper National Park is suffering similar tensions and pressures. Residents are adamant that they "don't want another Banff" in JNP (Laing, Gallagher & Murray 1996; Marck 1995). They are concerned about increased commercial development, both in terms of number of businesses and size and scale of buildings, to provide amenities for 2 million visitors per year, and the pressure on the housing market as the residential population expands. Tourism is increasing in the "shoulder" seasons (September to November and March to May), so that there is little chance during the year to develop a sense of community in Jasper (Laing, Gallagher & Murray 1996). Human pressure on the montane ecoregion is manifesting in increased human-wildlife conflict, road and rail kill, an influx of non-native plant species, fragmentation of wildlife habitat, altered flow regimes in lakes and rivers due to increased infrastructure, and concerns about water quality and aquatic biodiversity (Murray 1997).

Studies are also being carried out on the impact of Park's fire suppression policy. Photographs from the Bridgland collection, circa 1915, show a patchy tree cover in the Athabasca Valley and adjacent sub-alpine zones when compared with photos taken today (Rhemtulla 1997). Paintings by Paul Kane, who passed through the region in 1846 and 1847, likewise portray a landscape that supports more grassland vegetation than the current tree cover (MacLaren 1997; Murray 1996). Fire suppression policy in Canadian national parks, in place from their inception until the present, created what managers thought was a more "natural" landscape, one that was stable and free of—or protected from—major disturbances. A serious reexamination of these policies points to the need for regular and systematic prescribed fires to reintroduce the former fire regime.

Parks Canada: Approaches to Ecosystem Management

The "Yellowstone model" of national park management, so named for the early standard for national parks in which settlement is prohibited and commercial and subsistence use banned, has fostered a discourse of strict nature protection. This model was instrumental in the determination of the definition of national parks at the IUCN General Assembly in New Delhi in 1969 as an area where "one or several ecosystems are not materially altered by human exploitation and occupation [and] where the highest competent authority of the country has taken steps to prevent or to eliminate as soon as possible exploitation or occupation in the whole area" (in Stevens 1997: 28).

In order to conform to this model, National Parks policy in Canada insisted on the expropriation and removal of communities located within national park boundaries until the 1970s. For example, more than 200 families were expropriated in the creation of Forillon National Park in Quebec and a similar number were removed in the land acquisition process for Kouchibouguac National Park in New Brunswick. This latter removal, however, spawned resistance by residents and the public, so that in 1979, the government amended its policy to prohibit expropriation of residents for the creation of new national parks. Similarly, issues of aboriginal land ownership plagued the creation of Auyuittuq National Park in Baffin Island by Jean Chretien in the mid-1980s — Chretien was apparently so moved by the landscape that he said to his wife, "Aline, I will make this a national park for you [McNamee 1993: 33]" (quoted in Stevens 1997). The Inuit, however, charged the federal government with expropriation of their land, which contravened the Canadian Bill of Rights. Amendments to the National Parks Act designated this and two other Arctic parks as national park reserves, pending the resolution of Aboriginal land claims. In effect, the federal government was to administer these parks on Aboriginal land until such time as the land claims were settled. Significantly, "the claim itself would establish final park boundaries and management conditions" (McNamee 1993: 34 in Stevens). In other words, not only did the federal government acknowledge Aboriginal claim over the area, but also that Aboriginal participation in the management of the park was essential.

Throughout its history, Parks Canada has struggled with a dual mandate for management of the parks system: one that fosters visitor recreation and tourism and, more recently, one that legislates protection of ecological integrity. The inaugural park in the system, Banff (formerly Rocky Mountain Park), was established in 1885 in order to support the new CPR railway and to fill government coffers with tourism revenue from the hot springs development. McNamee (in Stevens 1993: 17) notes that "evolution of the national parks system since its inception in 1885 has been influenced more by the nation's focus on economic development and prevailing social values and less by the need to preserve wilderness." Although Yellowstone Park, since its formation in 1872, sat undisturbed for decades, immediately after the creation of Rocky Mountain Park, timber cutting, mineral development and grazing were still allowed. In his argument that the parks should be preserved, James B. Harkin, the first commissioner of the Dominion Parks

Branch formed in 1911, supported his claim by referring to the revenue they generated through tourism and recreation.

As formerly inaccessible areas began to get opened up and much travelled by members of the public, pressure of human activity began to have deleterious effects. The federal government responded with a series of legislation and policy documents that were designed to protect the national parks and to assuage public concern. In 1930, the *National Parks Act* achieved royal assent at a time when political support for national parks was high. The Act declared that the parks were "dedicated to the People of Canada for their benefit, education and enjoyment." M.B. Williams (1949: 61) notes of Maligne Lake that "It is good to remember that because this is a national park its beauty will be protected from profanation and its virginal loveliness preserved for the inspiration and enrichment of human life." The growth in public concern for the environment increased greatly in the 1960s, and in 1963 the National and Provincial Parks Association of Canada (now Canadian Parks and Wildlife Society (CPAWS)) was formed. In 1964, the National Parks policy established that the ecological value of the parks should take priority over its revenue generating activities (updated policy documents in 1979 and 1994 strengthen this mandate). In 1984, Jasper and the three contiguous mountain parks to its south (Banff, Kootenay and Yoho) were declared a UNESCO World Heritage Site "in recognition of their outstanding natural beauty, the diversity of vegetation and wildlife, and the exceptional examples of glaciation, canyon and karst features" (Environment Canada 1988: 11). In 1988 an amendment to the *National Parks Act* declared that "maintenance of ecological integrity through the protection of natural resources shall be the first priority" for zoning and visitor use, and announced that park management plans, in which public participation is required, and a biennial state-of-the-park report were to become mandatory. Problems arising from the dual mandate of preservation and use, however, still resonate in park management decisions today. Issues in the Maligne Valley are a case in point.

Even in the early era of park management, "wilderness," as a concept implying "without human impact," had ceased to exist. Arguably, it had not existed for 10,000 years already (Cronon 1995). Radical ecologists, who support a spiritual relationship with the environment, have often looked to the philosophy and spirituality of native groups as a model for an ideal perspective on environmental issues. As Nabhan argues, however, this perspective supports the erroneous assumption that all Native Americans are culturally indistinct: "It does not grant *any* cultures—indigenous or otherwise—the capacity to evolve, to diverge from one another, or to learn about their local environments through time" (Nabhan 1995: 91). This emulation of other cultural lifeways also presumes that because these are non-industrial societies, even though they are contemporaneous with our own society, they somehow exist in or hearken back to a former era. Thus environmentalism takes on a wistful caste in its appeal to return to a Golden Age of spiritual and environmental harmony with the Earth. Contemporary ecosystem management has applied a different view. The realization that prescribed burns by some Native Americans had changed the character of the vegetation cover enormously has encouraged parks managers to reassess fire suppression policies in national parks. Ultimately *cultural* processes are as significant to ecosystem management as *natural* processes. Further, the relative impact of human activity on the landscape can be assessed through scientific means, and indicators of these impacts can be quantified and compared. The assumption underlying these perspectives is that the "wilderness" cannot be left to its own devices, but rather must be *managed* in order to maintain its integrity.

One of the most significant shifts in paradigmatic ecosystem thinking in the past few decades has been the acknowledgment that nature changes. Furthermore, this change is dialectic: "as material conditions change, what is called 'nature' changes, and its place is taken by a new construct" (Worster 1995). Winterhalder (1994: 40) advises that the ecosystem concept take into account concepts which "direct attention to the spatial and temporal dynamics of ecosystems and to the effects of history on their current and future functioning." As Bocking (1994) argues, new approaches to ecosystem integrity in which the ecosystem is studied as the confluence of integrating processes, have implications for the role of science and government managers in ecosystem management (cf. Woodley 1993). Decision-makers and scientific experts are realizing that indicators of ecosystem integrity have to be relevant to the community that acts as stewards of the land; and that those members of the community must be included in the decision-making process and in the determination of the place of humans within the natural environment.

What does it mean, then, to protect the "ecological integrity" of a region? What are the indicators of a healthy ecosystem? What are we protecting if nature is subject to continual change? How can protection of the ecosystem be balanced with the importance of visitor recreation and tourism? Is human activity just another "disturbance" process or an intrusion of a more alien nature (Evernden 1985)? It is these issues and questions that were at the root of the discussions of the Maligne Valley Collaborative Process and coloured interests and positions taken by participants to the Process.

The Maligne Valley Collaborative Process

Issues of Ecological Integrity in the Maligne Valley

The unique geological and geographic features as well as the recreational opportunities of the Maligne Valley have resulted in its huge popularity with both tourists and recreational users. Activities such as hiking, picnicking, canoeing, kayaking, fishing, cross-country skiing and whitewater rafting as well as tourist traffic to the Maligne Canyon and other attractions, are now being closely monitored for evidence of impact on the ecological integrity of the area. In the late 1980s, concern was raised by local residents that numbers of Harlequin duck (*Histriónicus histriónicus)* on the Maligne River were seriously declining, and speculation was that whitewater rafting activity during the duck's breeding season (May and June) was to blame. Harlequin ducks require specialized habitat during their breeding season. They are the only duck in the northern hemisphere to breed in fast moving rivers, particularly those that feature rapids, riffles and runs. They tend to select breeding areas with minimal human disturbance, and females spend most of their pre-nesting time feeding and sleeping. Because of these specialized requirements, harlequins are considered an indicator species. They appear very rarely in concentrations as high as those found on the Maligne River (10 pairs per kilometre) (Clarkson 1995).

Parks Canada notes that there exists "a positive relationship between declining populations and increasing recreational river activities on breeding streams." Further the "harlequin's low reproductive success and specialized habitat requirements make them particularly vulnerable to human disturbance" (Clarkson 1992: i). The study concludes that comparisons of historical records and observations from 1986 to 1991 show that there had been a decline in harlequin numbers since 1989, which corresponds to the period of increased rafting activity. Bill Hunt, a Jasper warden and graduate student who conducted studies of the breeding ecology of the harlequins in the Maligne Valley, reports in a 1993 progress report that "harlequin ducks react visibly to raft intrusions in over 90% of the encounters I observed, and ducks were displaced from the [Maligne Lake] outlet in 87% of these encounters." Significantly, pre-nesting female ducks were abandoning prime foraging habitat and spending more time near the mouth of the outlet. They also were sleeping less in order to remain vigilant of rafting disturbances. In his 1994 report, Hunt notes that "the amount of time devoted to feeding decreased and the time spent flying increased once the river opened to human use. These changes were most noticable [sic] during the time period of commercial river use" (iii).

In 1993, Parks Canada announced the closure of the Maligne River to commercial rafting during the harlequin's breeding season (May and June) after intense lobbying from the local environmental group, the Jasper Environmental Association. The rafters, and other members of the JNP Professional River Outfitters Association, declared that they would pursue litigation in order to regain the right to livelihood promised under their agreements with Parks Canada. At this news, environmentalists became alarmed and declared that they too, under the auspices of the Sierra Legal Defence Fund, would sue Parks Canada if it abandoned its mandate to protect the ecological integrity of the Maligne Valley. In the meantime, other issues in the Maligne Valley were demanding Parks Canada decisions: the development of the Brewster Chalet, once used for overnight accommodation now standing empty, for cultural heritage and educational purposes; winter use of the Maligne Valley; facilities on Spirit Island; hydroelectric generation; water quality; fishing; and the agreement for tour boat operations on Maligne Lake. In 1994, the Jasper Park Superintendent decided to hold a collaborative decision-making process on these issues in the Maligne Valley

> in response to the recognized need for a more transparent and participatory management approach to issues in the Maligne Valley. A collaborative process was adopted in an effort to reduce the increasingly adversarial nature of discussions between various stakeholders and Parks Canada. Clearly, the traditional management approach left stakeholders frustrated with their inability to contribute to management decisions that affected them. Ultimately, this lead to a growing sense of mistrust fueled by sharply polarized rhetoric. The result left Parks Canada relatively ineffective in developing partnerships with stakeholders, while various other interested parties pursued their options through the courts. It was this climate of mistrust and frustration on the part of all stakeholders, including Parks Canada, that lead to the creation of the Maligne Valley Collaborative Process (Parks Canada 1996: 1).

This was a bold experiment for Parks Canada. Many of the stakeholders had never spoken to each other before, let alone met in the same room. And Parks Canada managers, used to making decisions behind closed doors, were suddenly directly accountable to lobby and stakeholder groups.

Structure of the Process

In mid-February 1994, Parks Canada invited a range of individuals to a series of one-day workshops in order to discuss alternatives to the adversarial nature of the issues in the Maligne Valley. An outside facilitator was hired by Parks Canada, and between March 1994 and October 1995, 17 meetings were held to discuss issues in the Maligne. According to the process ground rules, adopted in September 1994, the purpose of the Process was

- to discuss and come to consensus on the appropriate future of the Maligne Valley within the framework of the Parks Canada mission for Jasper National Park; and
- to develop a new way for stakeholders in the valley to relate constructively to one another and the common vision of the Maligne Valley and Jasper National Park.

As later identified in the final report document, the objectives of the Process were as follows:

- to develop a vision statement for the Maligne Valley that reflects ecological, social and economic values
- to establish a mechanism for assessing the appropriateness of a variety of human activities in the Maligne Valley
- to craft a consensus based agreement around management of selected issues in the Maligne Valley
- to establish a framework for an ongoing Advisory Body which would advise the Superintendent of Jasper National Park on human use and development in the Maligne Valley
- to submit a report to the Regional Executive Director of Parks Canada with recommendations for future management of the Maligne Valley (Parks Canada 1996: 3).

From an initial meeting of 70-100 people, six stakeholder groups were identified during the discussions:

- local environment
- regional and national environmental groups
- Jasper regional business
- commercial recreation
- education and recreation
- Parks Canada

Each stakeholder group had a designated representative, who was authorized to speak at the table on behalf of the group, and five additional participants who could attend meetings. Although structurally all stakeholders were considered equal around the table, as the ultimate decision-maker, Parks Canada had a unique role to play in initiating the Process and in providing background information on selected issues. And although five other groups were represented, essentially they could be conceived of as "environmentalists" at one end of the preservation/use continuum and "developers" at the other. The "recreational users" fell somewhere in the middle.

At this initial workshop, the group also discussed the merits of engaging in a collaborative process as an alternative decision-making process to the adversarial lobbying process and agreed to the following four points:

1. We have started a process of change to collaboration;
2. We are not certain of the outcome of this process;
3. The collaborative process encourages a new way of relating to one another;
4. We are positive about the process and agree to give it a try.

The second workshop elaborated on the selection of stakeholder groups, determined a communications policy with the media, discussed further the nature of collaborative processes and established the criteria for the development of stakeholder group presentations and clarified the role of science in the decision-making process.

Although these workshops were held to discuss the commitment to a collaborative process as a forum for the discussion of issues in the Maligne Valley, the process design phase of the process appeared to lack clear direction. The hiring of the facilitator by Parks Canada, rather than as a reflection of a consensus decision by all participants, led to lack of commitment to the facilitator on the part of some participants and to frustration with the style and pace that this individual advocated. Procedural Ground rules were adopted at the September 1994 meeting of the MVCP. This agreement, while it covered many of the major topics relevant to a process agreement (e.g., The Parties, Purpose, Timetable and Duration, Structure of the Process, Scheduling and Agendas, Relation to External Interests, Information , Confidentiality, Role of the Facilitator, Agreement and Principles of Consensus Building), it was not comprehensive enough. For example, with regards to the "Role of the Facilitator," the Ground rules state merely that "The facilitator will serve at the pleasure of the group." As it became clear that the ground rules were not being followed and did not provide the detail required for reflecting and guiding the process design, frustrations mounted as the Process appeared to lack direction and focus, and the roles of the facilitator and various stakeholder groups, in particular Parks Canada, lacked clarity, and timelines were not spelled out.

Overview of Proceedings

At these early meetings, commonly referred to as "Phase I," stakeholders identified key aspects for the success of the process, including procedural guidelines and a decision to hold the meetings behind closed doors, and developed a common vision statement for the Maligne Valley. Much of the discussion in the development of the vision statement was given over to definition of key terms such as "ecological integrity" and "sustainable tourism," which participants agreed hampered the fulfillment of this objective. One of the major achievements of this Phase was the identification of Appropriate Activity Assessment Criteria which were later used as a guideline in small-group discussions concerning various issues in the Maligne. Little progress in Phase I, however, was made on the discussion of central issues in the Valley; agreement was reached on fairly superficial items such as shutting off the motors on tour busses when stopped at the parking lot and improving dock access to the Maligne River. The group also agreed that further research and monitoring activities should be undertaken.

After a slow start in the fall of 1995 after a summer break, the Process broke down, and the facilitator resigned, stating that there had been "little real movement at the heart of the relationship between two key participating interest groups" (Parks Canada 1996: 2). A meeting of participants was held in which they agreed to continue with the Process. Subsequent to that, Parks Canada hired a mediator for Phase II, along with a Parks employee to fulfill a planner/secretariat function.

The role of a mediator in negotiated processes is to reconcile the interests of the parties to a dispute. According to Moore (1996: 18) "The mediator's task is to assist the parties in examining their interests and needs and in negotiating an exchange of promises and the definition of a relationship that will be mutually satisfactory and will meet the parties' standards of fairness." The mediator does not have decision-making authority. He/she is therefore an impartial resource person who is brought in to *assist* parties to the dispute. The mediator may take on any or all of the following roles: opener of communications channels; the legitmizer; a process facilitator; a trainer who encourages participants to develop negotiating skills; the resource expander; the problem explorer; the agent of reality; the scapegoat or the leader. The planner assisted the mediator and the Process by conducting research, organizing meetings, creating a liaison between Parks Canada and participants and mediator, providing clarification on Parks policy and planning issues; producing information packages, ensuring that work commitments were met by participants, and preparing the final report.

The newly energized group was given an additional six months, until June 1996, to wrap up discussions and to prepare a final report for the Regional Office. The tasks for this Phase were as follows:

- agreement on a Vision for the Maligne Valley
- agreement on a Framework for assessing or reviewing issues, activities, facilities or proposals (herein after called "issues") in the Valley
- review/assessment of "issues" in the Maligne Valley with consensus recommendations from the Maligne Valley Collaborative Process for Parks Canada
- agreement on a process for an ongoing Malgine Valley Advisory Process to continue reviews/assessments on "issues" in the Maligne Valley and provide recommendations to Parks Canada on managing human use and development (Parks Canada 1996: 3).

The first meeting of Phase II provided both a crystallization of the work accomplished in Phase I, including a review of the mandate of the MVCP, a description of the pre-process review of proposals for the Maligne Valley conducted by Parks Canada, and the review process to be followed by the MVCP participants, as well as a reaffirmation of the Vision Statement and the Appropriate Activities Assessment Criteria.

During this second phase, discussion focused on key issues put forward by Parks Canada and selected by the round table: the Brewster Chalet; hydroelectric generation; Spirit Island; and cross-country skiing. In both Phase I and II, Parks Canada staff and researchers hired by Parks provided workshops on technical aspects of the ecology of the Maligne Valley. Smaller working groups with a representative determined by each of the stakeholder groups met on a more informal basis than the large group meetings of all representatives to discuss these issues and provide recommendations for ratification at the large group meetings. The mediator did not usually attend these small meetings as they were intended to be for the purpose of bringing recommendations to the larger group rather than for formal decision-making. There were also discussions regarding water quality on Maligne Lake, the potential for an ongoing Advisory Body for the Maligne and principles and values that should be adhered to in decision making.

Parks Canada would assess each of the issues prior to bringing it to the MVCP in order to ensure that the proposed activity meets with the provisions of the *National Parks Act*, the *Guiding Principles and Operational Policies*, and the *JNP Management Plan*. Parks Canada managers would not make any decision on the issue, however, until review by the MVCP. The participants conducting the review could do any or all of the following:

- review a specific proposal; set guidelines for approval of or limits to specific types of activities; agree on key indicators for assessing changes in the environmental, social and economic integrity of the valley
- suggest mitigating measures
- identify additional research requirements
- help clarify gray areas within Parks Canada Policy
- identify information gaps (Parks Canada 1996: 5).

The actual decision-making role was accorded to Parks Canada, although as will later become evident in the material extracted from interviews in Chapter 5, the role of Parks Canada was never entirely clear to participants, most of whom felt that there should have been more direction, information and leadership shown by Parks stakeholders.

After review by the Process participants, Parks Canada would ensure that the proposal met with provisions of the *Canadian Environmental Assessment Act* and would make whatever decisions were necessary for implementation of the project or activity.

Meetings of the MVCP

Meetings for Phase I were closed to the public and therefore information regarding these meetings is patchy. During Phase I, individual tables were set up for stakeholder representatives and other members of the stakeholder group—in other words, six tables in all—in a U-shaped configuration. This resulted in some members having their backs to other members, so it was decided to switch to the conventional sectorial "pie" arrangement where the representative would have a seat at the table, with supporters from his/her sector sitting behind. All communication to the table was filtered through the designated representative. Meetings were often held for full days and a recess was generally observed during the busy summer months.

Meetings for Phase II were held in the evenings, with a presentation often scheduled for the next evening. On average, large group meetings were conducted once a month, with small group meetings held in between. The atmosphere at the large group meetings was relatively formal, with an undercurrent of tension as issues were being debated. The presence of the mediator, who also recorded the decisions of the meetings which were the basis of the official Summary Notes, added to the aura of formality as did the location at local hotel conference rooms. Although by Phase II, when the meetings were open to the public (and to participant observation), the key participants who held opposing positions on most of the issues were relatively congenial; prior to the first Phase, many of the individuals in these parties had never spoken to each other. A wary trust was still visible on many occasions.

The small group meetings were much more informal. With the exception of two of the cross-country ski meetings, the mediator did not attend these meetings, and a provisional chair/recorder was selected from amongst themselves. Since only one representative from each stakeholder group was in attendance, these meetings had usually 6-8 people sitting at the table which made for more intimacy and engagement with the discussion. These meetings were also more focused; only one issue was on the table. The participants also seemed to take more of a proprietary interest in decisions and recommendations made at the small group meetings which they were then required to take to the large group for ratification. This is not to say that all small group meetings went smoothly and consensus was easy to achieve. The cross-country ski meetings, in particular, were rife with conflict, and at one point it appeared that the Process might falter due to lack of consensus on the impact of winter use activities on the ecological integrity of the Maligne Valley.

Discussion and Recommendations of the Process

Vision: After a lengthy period of discussion, a Vision, or Points of Agreement, was reached during Phase I:

> The Maligne Valley is part of a World Heritage National Park and an important part of the regional ecosystem. The ecological integrity of all natural ecosystems in this valley must remain intact. Human use of the valley must accord with principles of sustainable tourism. Development and use decisions must be based on reliable scientific research. Environmental education will actively enhance visitor experience by celebrating the natural and historic qualities of the valley.

In addition, a small working group identified the following principles and values:

Principles

1. We understand ecological integrity as a condition where the structure and function of an ecosystem are unimpaired by stresses induced by human activity and are likely to persist.
2. We understand there is a shared responsibility to achieve ecological, social, cultural and economic sustainability.
3. Facilities and activities will put people in touch with natural and cultural experiences.
4. We will be guided by the principle of reasonable, equitable access within the social and ecological carrying capacity of the valley.

Values

1. The central theme of human activity in the Maligne Valley will be the experience of nature.
2. We value the wide range of experience available to people of varied interests and abilities in the Maligne Valley.
3. There is intrinsic value of nature in and of itself and this value is apparent in the Maligne Valley.

Although there was clear articulation of these values and principles, little reference was made to them in the review of the proposals at either the small or large meetings.

Appropriate Activities Assessment Criteria: One of the tasks for Phase I of the Process was to identify criteria that could be used to assess the appropriateness of various activities for the Maligne Valley region. The framework outlined in Parks Canada (1994) was appropriated as a basis for application to the Maligne Valley activities (Appendix 1). The checklist of criteria shown in Figure 3.2 was used by several small working groups in an attempt to provide a relatively objective guideline for decision-making.

1. *Heritage Area Management Context*
    - Has the activity or facility been subject to an appropriate Canadian Environmental Assessment Act (CEAA)?
    - Is public consultation appropriate and if so what kind?
    - Can Parks Canada accommodate/afford any additional service and/or administration created by this activity or facility?
    - Is direction for the development of this activity or facility being provided by the appropriate heritage area planning conventions and documents?
    - What monitoring mechanisms exist and how is monitoring linked to improvements?

2. *Visitor Experience Opportunities*
    - Activities and facilities respect the mandate/mission of Parks Canada and the heritage area's management objectives.
    - Does this activity or facility duplicate or compete with existing opportunities outside the Maligne Valley?

- Is the activity or facility suited to the natural and cultural resource base of the Maligne Valley?
- Does the activity or facility support the presentation of natural and cultural resource themes and values representative of the Maligne Valley?
- Can this activity be supported using available services or those which can be added within available resources?
- Can this activity be supported with existing facilities or minor modifications to existing facilities?
- What monitoring mechanisms exist and how is monitoring linked to improvements?

3. *Setting Opportunity*
    - Does the activity or facility present a conflict with existing area zoning?
    - Does the activity or facility unduly compromise the aesthetics of the valley?
    - Will the activity or facility function without intrusive infrastructure or maintenance?
    - Will the wildlife mortality threat on the roads be increased?
    - What monitoring mechanisms exist and how is monitoring linked to improvements?

4. *Heritage Themes*
    - Does the activity or facility provide opportunities for heritage theme presentation?
    - Are or will these heritage themes be developed for the benefit of visitor experience?
    - What monitoring mechanisms exist and how is monitoring linked to improvements?

5. *Market Expectations*
    - Does this activity or facility provide opportunities for new clientele?
    - Does this activity or facility offer opportunities for cooperative management or community support?
    - What is the potential demand for this activity or facility?
    - What are the future trends in this activity on a local, regional and national basis?
    - Do these trends indicate that the activity or facility will be viable over the long term as proposed?
    - What monitoring mechanisms exist and how is monitoring linked to improvements?

6. *Visitor Conflict*
    - What is the impact of this activity or facility on existing visitor use patterns and/or expectations?

- What monitoring mechanisms exist and how is monitoring linked to improvements?

7. *Visitor Risk Management*

- What are the hazards associated with this activity?
- How aware are participants of the hazards associated with this activity?
- Will the activity or facility allow for timely use of emergency services and public safety programs?
- What are potential liabilities related to this activity?
- What are the visitor-safety management measures required by this activity?
- What monitoring mechanisms exist and how is monitoring linked to improvements?

Although there was broad agreement on these criteria and the usefulness of their application to issues in the Maligne Valley, some felt that their were key questions that were not identified in the criteria. Specifically, questions of ecological integrity, and leaving the park "unimpaired for future generations" had not been addressed. Parks Canada agreed to produce a paper clarifying these "Section 8" issues. Their response proposed that (1) the integrity of an ecosystem should not be compromised by human activity; (2) ecological integrity be considered to reside somewhere along a continuum between preservation and use; and (3) where the "normative state" of ecological integrity sits on the continuum should be determined by scientific information combined with value judgements of society. In order to assist working groups with the application of the concept of ecological integrity to the assessment of appropriate activity, the following checklist was provided:

Basics Presented by Parks Canada (types of information that Parks Canada could contribute to the MVCP)

- standards
- special features
- limits to acceptable change
- indicators
- sensitivity analysis

Questions for Working Groups

- Are the ecological statements consistent with local knowledge?
- Are the ecological statements understandable?
- Review ecological indicators
- Review special features/sensitive areas
- Identify contributions to achieve ecological goals.

Relationship to Facilities/Activities

- Are planned activities/facilities the right scale?

- Do they promote efficient use of resources?
- Do they promote human competence instead of dependence?
- Are facilities resilient (socially/ecologically/economically)?
- Do facilities/activities put people in touch with nature, cultural heritage and their sense of Canadian identity?

Armed with a full checklist of criteria, participants met in small groups to discuss the application of these criteria to various projects that Parks Canada was contemplating for the Maligne Valley: Brewster Chalet; hydroelectric generation; water quality testing; Spirit Island; and cross-country skiing.

Brewster Chalet: Built in 1927 and owned by Fred Brewster, the Brewster Chalet at Maligne Lake was originally a living and dining room, serving up to 20 people who were accommodated in a nearby four-room cabin (Lewis 1996). Until the early 1970s, the Chalet served as a backcountry chalet when it was taken over by Parks Canada in 1976 and closed to the public. Structural renovations were conducted in 1994 in order to prevent deterioration. Parks Canada no longer has enough funding to maintain the Chalet or to make it operational, so decided to put to tender the operation and management of the building as an interpretive/educational centre. Parks Canada will maintain strict guidelines regarding its use, and it cannot be used for overnight accommodation. Discussion centered around the participants' role in the decision-making process. Should they merely provide broad criteria or a checklist as a guideline for Parks Canada? Or should they see the proposals after submission and comment on their adherence to specified criteria? Issues of confidentiality were also discussed. Some felt strongly that the MVCP was to be an advisory group only, and that to enter the decision-making process at the level of reviewing specific proposals was beyond the mandate of the group.

Hydroelectric Generation: In their 1990 proposal to Parks Canada, Maligne Tours, a commercial operator, provided plans to convert the current diesel powered generators with a water powered system. A number of technical concerns (the viability of reaching the minimum draw of power during winter months) and environmental questions were raised. Environmental concerns included river sedimentation during installation; disruption of flow regimes; disruption of river traffic; impact on aquatic wildlife; and visual impacts of various power generating structures. The group discussed a number of alternatives to the water and diesel powered systems including solar, wind, power load-management systems, power storage systems, for the Maligne Lake outlet area. It was recommended that a panel of experts address these issues and provide information on the various options. Members of the group were divided on which experts to include.

Water Quality on Maligne Lake: Some members were concerned about "yellow scum" and other visible contaminants on Maligne Lake surface and requested that samples of the water be tested for pollutants to determine the source. Some were speculating that the effluent from tour boats on the lake, run by Maligne Tours (another stakeholder in the

Process) could be responsible for the contamination. The participants agreed that an aquatics ecologist should be consulted to determine the following:

1. is it probable that Maligne Lake is being contaminated by the number of boats presently operating on the lake?
2. if it is, can we detect the significance of this potential contamination in the system? and
3. is it impacting the aquatic ecosystem of Maligne Lake?

Spirit Island: Spirit Island is the ultimate symbol of nature preservation in the Maligne Valley. Since Maligne Tours is the primary user of the Island, Parks Canada has entered into an agreement for the upgrading and maintenance of facilities at Spirit Island, including two docks, three outhouses and a loop trail. The working group was asked to review this agreement and to provide recommendations and guidelines for the future management of Spirit Island. The group concentrated first on the development of a shared Vision:

> That Spirit Island is a place of great beauty, it is a symbol of wilderness and a Canadian icon and as such, the area should be protected from any ecological degradation. That Spirit Island should be preserved as an area of peace and serenity where visitors can feel a spiritual sense of communion with nature and experience the awe and inspiration of Spirit Island as a special place in the world. That visitors should continue to be informed of the natural history of the area to foster greater understanding and appreciation of this natural wonder.

It also produced a number of consensus recommendations:

- that Maligne Tours is the primary user of Spirit Island area and as such should accept responsibility for the cost of upgrading and maintaining the facility rather than the Canadian taxpayer through Parks Canada;
- that Maligne Tours enter a contractual agreement with Parks Canada through which Spirit Island facility is maintained to a standard set and monitored by Parks Canada.

Concern was expressed by several members that Maligne Tours not be granted a License of Occupation. Parks Canada confirmed that the Memorandum of Understanding concerning facilities on Spirit Island would not be a License of Occupation.

Cross Country Skiing: Two proposals were received by Parks Canada in the early 1990s that represented different perspectives on winter use of the Maligne Valley. The Jasper Environmental Association (JEA) submitted their "Proposal to Create Woodland Caribou Conservation Areas (WCCAs) in Jasper National Park" in 1992. It advocated that, due to declining numbers of caribou as a result of human activity, that two areas of land be set aside within JNP specifically for the protection of the caribou and the integrity of their habitat. The Maligne Valley region in the first of these areas, was deemed "essential to the survival of woodland caribou in southern JNP" (JEA 1992: 4). The JEA recommended that

- cross-country ski-trail networks in the Maligne Lake area be limited to presently used trails
- recreational growth and development be strictly controlled
- the Maligne Road be designated as a low-maintenance road during the winter months and the elimination of the use of salt as a de-icer, and
- wildfires be controlled and prescribed burns be eliminated in order to protect old-growth forest habitat.

A year later in 1993, JNP received a proposal from Maligne Tours that outlines their plans for upgrading and expanding the cross-country ski-trail network at Maligne Lake. Since both proposals were within the provisions of the *National Parks Act*, the National Park policy and the *Jasper National Park Management Plan*, Parks Canada decided to solicit recommendations from the MVCP as to how these activities/proposals would meet the Vision.

The MVCP followed-up on the question of winter use of the Maligne Valley during Phase II of the Process. At that time, track-set trails were being maintained at the north end of Maligne Lake. The group agreed that the Woodland Caribou were one of the paramount considerations in determining acceptable types and levels of activity in the Maligne Valley. Parks Canada subsequently prepared a position paper that addressed the goals and principles of winter use in relation to caribou protection. Based on these observations, Parks suggested that consensus be built around the following:

- limits of growth
- a focus on caribou appreciation (education and awareness)
- how to respond when established limits are reached, and
- monitoring the winter use program

Parks recommended that stakeholder groups explore the ways in which they can contribute to achieving the mandate of Parks Canada to increase understanding, appreciation and respect for the caribou and to develop creative options for the management of visitor use in the valley. The working group identified five primary issues:

- track-setting and access to the valley and trails
- how to minimize wolf predation and access to the valley
- caribou population monitoring
- education and information availability, and
- establishment of some form of special protection for the caribou.

After much debate and with the assistance of the mediator, the working group developed an 26-point agreement package that addressed these issues:

- Woodland caribou are the paramount consideration in determining acceptable types and levels of activity in the Maligne Valley.
- Track-set skiing is an appropriate activity in the Maligne Valley
- Parks Canada will conduct a caribou population count in 1996
- A baseline ecological monitoring program should be established
- A scientific expert on caribou should be involved in interpretation of monitoring results and in providing information.
- The results of monitoring will be assessed after 3 years and will be made public each year.
- Monitoring will be carried out to establish visitor use of the area.
- Current use levels will be maintained for 3 years and then will be subject to review
- Parks Canada will address causes of any decline in number
- Visitor activities will be established within social and physical carrying capacities
- Quality first-hand experiences with the natural environment are an effective way to provide a better understanding and appreciation of the natural environment.
- Establish a communication plan to increase the profile of Caribou in the Maligne Valley.
- Parks Canada will explore strategies for the conservation of Caribou in the Maligne Valley for review by the MVCP
- Parks Canada will review its track setting procedures to ensure that the proper procedures and standards of care are being utilized.
- Parks Canada will provide improved signage
- It is desirable to develop a beginner trail in the Maligne Lake area that does not incur further into important caribou areas.
- Parks Canada will look into blocking off one of the parking lots as a staging area for beginners.
- The names of trails should be added to the sign posts along the trail in a cost effective way.
- A sign should be placed at the Lorraine Lake Loop indicating that the trail beyond that point is for advance skiers only
- A corrugated renovator needs to be purchased by Parks Canada
- The cross-country ski brochure should be rewritten to include ecological messages and other updates.
- The Parks Canada cross-country ski information line should be updated.
- Parks Canada will continue to let Canadians know what opportunities exist in the Park
- Parks Canada will look at the feasibility of using alternatives to salt on the Maligne Valley road.

Advisory Body: Participants to the MVCP expressed concern that many of the issues that had been brought to the table by Parks Canada were as yet unresolved due to time constraints and that there would be issues that would arise in the future that would benefit from a review and recommendations by the group. A working group met to discuss the possibility of establishing an ongoing advisory body to the Superintendent of JNP. The group proposed a draft terms of reference [Appendix 2] for such a group whose purpose would be "to assist Parks Canada in managing the Maligne Valley" (Parks Canada 1996: 26). The advisory body would consist of 6-10 people, with Parks Canada acting as a "technical advisor" to the committee. It was proposed that the committee have a clear mandate, and that it should reach agreement by way of consensus, while at the same time identifying areas of disagreement, if any.

Participants to the MVCP were asked to provide recommendations on several important issues in the Maligne Valley. But they were also being asked to assess the impact of human activity on the ecological integrity of the valley, not only in the short-term, but for future generations. What should be preserved and why? How can human impact be measured and its effects determined? The participants were also concerned with process. How fairly would their views be heard and incorporated into the decision-making process?

My questions of the Process were different. In order to address the theoretical framework described in Chapter 2, I wanted to know what constituted the participants' experience of the MVCP. What values did they bring to the process? How did they evaluate its success? How was scientific knowledge used to legitimate decisions? How were roles at the table defined, given the power differential between the ultimate decision-makers (i.e., Parks Canada) and those with other interests in the area? How did participants view the inter-relational aspect in terms of the success of the Process? In other words, my research project was supported by questions of social theory, and it also demanded that the fieldwork be of some utility, not only to academics, but also to professional environmental mediators and to participants of any negotiated environmental decision-making process. Of critical importance, then, would be a methodological approach that could elicit data for these goals. This approach is discussed in Chapter 4.

Chapter 3 has provided a detailed synopsis of the historical and cultural context of the Maligne Valley Process. Issues of human activity and its impact on the ecological integrity of JNP have had a long history in the Park; the questions raised concerning the place of humans in nature, and the corresponding challenges for the management of a national park are just as current today as they were when Mary Shäffer first navigated across Maligne Lake with the help of the crude map from her aboriginal informant. The "dual mandate" of national parks management policy in Canada — that of the provision of visitor services and of the protection of ecological integrity — is at the crux of the issues in the discussions of the Maligne Valley Collaborative Process. It is surprising then, that the *main* issue in the debates concerning the Valley — the viability of white water rafting on the sustainability of the Harlequin duck population on the Maligne River — was *not* central to, or even part of, the discussions.

Chapter 4

Methodological Considerations: "Showing the Hand of the Ethnographer"

Before leaving Harvard I went to see Kluckhohn.... When I asked Kluckhohn if he had any advice, he told the story of a graduate student who had asked Kroeber the same question. In response Kroeber was said to have taken the largest, fattest ethnography book off his shelf, and said, "go forth and do likewise."

— L Nader 1969

There came a moment in the fieldwork process when I realized that it was not merely a simple exercise in data gathering, but rather constituted a profound change in the way in which I viewed the world and was thus more clearly a rite of passage. I entered the field with, what I now understand to be, a simplistic hypothesis of decision-making processes: I assumed that environmental decision-making is riddled with values that underlie stakeholder groups' positions and thereby form the root of environmental conflicts. Methodologically, I had planned to sit in at meetings in order to determine how the process worked, then to question the participants in such a way as to elicit what those values were.

As the meetings wore on, however, my vision of tidy piles of values that could be attributed to members of stakeholder groups — indeed that were the foundation of the group's identity — faded against the reality that many values were shared *across* groups, and that fractious debate often occurred *within* groups. It became apparent to me that I had not fully appreciated the nature of process, its flux and ambiguities, and that my data gathering approach was therefore too unidimensional. As I continued with the field research, I adopted an applied anthropology perspective, taking my direction from Marcus and Fischer (1986: 133):

> The task of ethnographic cultural critique is to discover the variety of modes of accommodation and resistance by individuals and groups to their shared social order. It is a strategy for discovering diversity in what appears to be an ever more homogenous world.

The applied approach allowed for an assessment of the MVCP *from the participants' point of view*, an approach that employed qualitative ethnographic research methods rather than survey instruments or other quantitative approaches. With my research project on the MVCP, I focused on participants' evaluations of the Process, what informed their perceptions of the issues, their "modes of accommodation and resistance" to the status quo decision making process in JNP. Although not contracted to do so, my role became, in part, that of evaluator of the means that participants sought to work out questions of diversity in the cultural values that they brought to the table. The new focus

2

of the project was therefore less on the typology of cultural values and more on the assessment of the implications of those values for the success of the collaborative process.

The shift in the purpose of my work from essentially theoretical to utilitarian, and my role from assessor of environmental values to evaluator of the dispute resolution process necessitated a refocusing of my methodological assumptions. The difference in approach was that my research objective no longer merely took advantage of an environmental dispute to test hypotheses regarding environmental values of the participants in that dispute, but engaged more intimately with the meaning of the experience of the dispute resolution process for the participants. My role became conduit, interpreter and voice of these experiences and evaluator of the Maligne decision-making process.

The discussion that follows provides a chronicle of decisions and events that occurred during my field research; it focuses on the work of applied anthropology and its links with hypothesis development and testing, how ethnographic field methods enhance the process of data gathering for evaluation of programs and processes, and the choices of specific methods for data gathering. This reflexivity in accounting for methodological biases follows the advice of Altheide and Johnson (1994: 493): "Good ethnographies show the hand of the ethnographer." The authors advise that the reader must be able to engage in "symbolic dialogue" with the ethnographer and to approach an ethnography interactively and critically. What was done and how was it done? What are the likely and foreseen consequences of the particular research issue, and how were they handled by the researcher? And, since all knowledge is perspectival, how do we know things and on what do we base our account?

Applied Anthropology

Characteristics of a Contemporary Ethnography

An important dimension in the determination of good ethnography is the question of *relevance*. As many anthropologists have pointed out, we are running out of unresearched societies on which to focus our ethnographic lens. What should we look at that will advance our knowledge of cultural process? Moore (1994) suggests that the significance of the event that is being analyzed depends on the question that is being addressed. The questions being asked in contemporary ethnography are becoming more focused on the temporal and spatial conditions which give the event its significance not only to the researcher, but to the participants. Ahmed and Shore (1995: 15-16) argue that

> Social anthropology as we have known it is in danger of becoming marginalized and redundant unless it adapts to the changing world.... This means, above all, re-evaluating its conventional objects of study ... commensurate with the new subjects and social forces that are emerging in the contemporary world. It also means engaging with contentious issues and problems of wider public concern.

Issues such as the globalization of social and economic ideologies and technologies, poverty, ethnic conflict, development issues, the role and status of women, social and economic factors in community health, immigration, and the status and identity issues of sub-cultural groups as well as issues of environmental discourse and policy are among the subjects being addressed in recent ethnographic work.

One way in which the question of relevance is addressed is through applied anthropology. Van Willigen (1993: 7) defines applied anthropology as "something that is done by academic anthropologists when doing consulting work relating to practical problems." This definition, however, sets up what is in my view a spurious dichotomy between theoretical and applied or practicing anthropology. Surely all empirical knowledge regarding cultural behaviour, values and institutions, whether put to practical purpose or not, can contribute to theory building in the discipline. Liora Salter's (1988) distinction between "mandated" and "applied" science can fruitfully be applied here to signal the distinction in anthropological fieldwork between research that is contracted by a particular agency or organization in order to provide directed, empirical support for a certain position (Lewis 1995) and that which attempts to apply anthropological principles, theories and methods in order to solve practical problems of conflict and decision-making.

Evaluation

It is this approach of applying anthropological methods to solve practical problems that I employed in my evaluative study of the Maligne Valley Collaborative Process (MVCP). Much of the early evaluative work prior to the mid-1970s was carried out using the criteria developed by the researcher/evaluator. The evaluator's task was to determine how well a program accomplished its objectives. Unintended side benefits, however, were not captured in this scheme. Later, goal-free evaluation involved the collection of two types of information: the actual effects and the determined needs against which the success of these effects might be measured. Problems remained, however. What effects should be assessed? What needs are most salient and who makes this decision? The competence and skill of the evaluator must be high in order to make the required assessments.

By the mid-1980s, however, as empowerment ethics began to influence applied work, new strategies were developed. Greene (1994) has developed a four-fold typology of approaches that address the needs of varying audiences: the postpositivist approach addresses high-level decision makers and usually relies on quantitative data; the pragmatic is useful for mid-level program managers and is often a mix of structured and unstructured surveys, interviews and observations; the interpretivist benefits program directors and consists of qualitative case studies, interviews, observations and document review; the final approach, a critical, normative science, focuses on empowerment and social change and its methods are participatory and often critical of social structures and institutions. This approach is inclusive of program beneficiaries and marginal or powerless groups and communities. Similarly, Guba and Lincoln (1988: 23) advocate a "responsive evaluation" approach which "takes as its organizer the *concerns and issues of stakeholding audiences.*" Responsive evaluation takes into account a pluralism of values in respondents and the subjective interaction of the evaluator. "Responsive evaluation does not undertake to answer questions of merely theoretical interest; rather, it takes its cues from those matters that local audiences find interesting or relevant. If evaluation results are rarely used, it is because those results are rarely relevant to local needs" (38).

The approach to data collection that I have employed relies heavily on these basic assumptions of responsive evaluation that Guba and Lincoln expound upon as well as the interprevist one advocated by Greene (1994). The interview guidelines for my study were designed to elicit "concerns and issues" of each of the stakeholders in the MVCP. I encountered some methodological difficulty, however, in ascertaining how to approach the identification and assessment of the range of values held by participants—in other words, the interprevist aspect. The anthropology literature, particularly in the linguistic sub-field, has employed typological or ethnosemantic approaches to the determination of cultural meaning, themes and patterns (Spradley 1979), and I at first contemplated adapting ethnosemantics to the problem of value identification. I found the singular focus on the typology of values in correlation with specific stakeholder groups did not reflect the events of the MVCP that I was I observing during the meetings, so I soon abandoned this approach. The boundaries of domains in this form of analysis, although acknowledged to be "fuzzy," are still too rigid to account for the dialectic, negotiated quality of values.

Guba and Lincoln (1988), on the other hand, suggest that "for the evaluator's purpose, *an audience's values can be reasonably well inferred from the issues and concerns that it identifies"* (321: emphasis added). They define a concern as a "value disjunction" in which a state of affairs is considered inappropriate because of the values an individual holds. "Value trade-offs" occur when two individuals hold polar positions based on differing values. The evaluator therefore need only ask: "*Why* is this a concern for this individual? What value might he hold that would produce this concern in this context? ... [and] What two values, or polar positions on what value, would produce this particular conflict? (321). In this way, values are not construed as fixed typologies, but as contextualized notions within the resolution of a dispute. As Greene notes, "At root, interpretivism is about *contextualized meaning*" (1994: 536, emphasis in original).

The data from this applied aspect of my project, however, also form an integral component of the theoretical element. I consider the theoretical and applied aspects of anthropological research to be interconnected, although with much grey area where their objectives overlap. The theoretical literature that assesses the nature of social and cultural change has focused to a large extent on conflict, particularly of values and discourse, and on its resolution. Much of this theory is based on postmodernist concepts of flux, ambiguity and dissonance. The values identified through an analysis of issues and concerns of stakeholders, as well as other discursive aspects culled from the data, reveal insights into the dissonances, ambiguities and impermanences that constitute the flux of process.

Applied anthropology, with its focus on policy making and development issues, perforce is equally bound up with the resolution of conflicts in the decision-making process. Erve Chambers (1989: 11) places an emphasis on the mediation of values in his definition: "the work of applied anthropologists regularly involves efforts to mediate claims upon a society's resources, or to reconcile the different cultural processes which influence the ways in which people express and attempt to realize what they value." He points out that in applied anthropology, it is this context of decision-making that provides the significance for values and knowledge and thus much of the work of applied anthropology is in the policy-making arena.

Using Chambers' guide that culture in applied anthropology has as its focus, not the study of a specific cultural unit but the stage on which problem solving takes place, I took as my object of study the relationships between cultural processes. I employed conventional ethnographic techniques—participant-observation, open-ended interviews, key informants—as these methods allow the researcher to understand and interpret cultural processes from the participants' perspective more experientially than quantitative techniques such as survey instruments.

Methods: Defining the Project

Altheide and Johnson (1994: 489) advocate that the following areas of routinely encountered problems that could compromise ethnographic work be addressed in ethnographic reports:

- types and varieties of data
- data collection and recording.
- entree into the community, both organizational and individual
- developing trust and rapport
- the researcher's role and way of fitting into the community
- mistakes, misconceptions and surprises

Below, I recount the aspects I consider to be of interest or problematic to the reader and have indicated how I addressed these in order to minimize their impacts.

Types and Varieties of Data

Doing anthropology at home, it is tempting for the researcher to assume a cultural knowledge of the field community that may go unchallenged. Certainly a large number of pieces are in place or can be determined prior to actual field data collection—method of government, patterns in the local economy and its relation to the national and global economies, and the socio-economic stratification of the community, for example—but the significance of these phenomena, how they are valued, and the interrelations between them and how they account for day-to-day practices are data that cannot be presumed. During the fall and winter of 1995, before I turned attention formally to my doctoral research, I had an opportunity to contribute to a community health study in Jasper (Laing *et al.* 1996). The premise of the study was that socio-economic factors contribute to the physical health and well being of the community. The goal was to identify, through interviews with key informants, which factors were significant and how they might be impacting the health of Jasper residents. The data gathered provided me with a ready-made community profile as well as a way of easing into the community and getting known by some of the residents, including a few who were MVCP participants.

The data set for the present project comprises two types of information: first, I attended all the large group meetings and many of the small, working group meetings (15 meetings in all) from March to June 1996 and kept a comprehensive set of field notes, along with a field diary in which I noted commentaries on what I had observed. The second type of field data collected consisted of open-ended interviews with 22 of the MVCP participants conducted from October to December 1996.

Data Collection and Recording

Criteria for selection of interviewees were primarily the length of time spent with and commitment to the MVCP. Although there were a few participants who had been involved only in Phase I (2 out of 22) or Phase II (2), most of those interviewed had substantial involvement in both phases. Since most of the progress on agreements occurred during the second phase, and this was the part of the Process with which I was most familiar, it was critical to my project that most of those interviewed had participated in this second phase. Only one of the participants I approached, declined to be interviewed. The facilitator for Phase I had left the Process in September 1995 under a bit of a cloud, citing frustration that there had been little progress on issues. He indicated to me that he had no further interest in the MVCP. Although, of course, the views of this individual would have augmented my data collection with a rich set of perceptions and experiences, I have attempted throughout data collection and analysis to avoid regarding any one interview as more important or significant than any other. I do not believe that my findings are less valid for the absence of this interview data.

I began interviews in the fall of 1996, four months after the completion of the MVCP. Summer is the most hectic time in JNP; most of the interviewees are involved in some capacity with providing visitor services, so there was no opportunity for interviews. Having a summer on which to reflect on their experience undoubtedly had an effect on their responses; often participants would begin by saying something along the lines of, "Yes, I've been thinking about that." It would be difficult, if not impossible, to assess the nature of this effect, however it is mentioned here as a *caveat*. Interviews were tape recorded and later transcribed by me (edited only for readability) for data analysis (see Chapter 5). Interviewees signed a consent form (Appendix 3) agreeing to the recording and apprising them of their rights.

The goal of the interviews was to elicit information on the participants' opinions and experience of the MVCP. One of the difficulties with open-ended interviews is to strike a balance between allowing the participants to address the issues that are important to them, and covering the bases that the researcher would like commentary on in order to compare with the responses from the other participants. Further, Jasper is an informal, "laid back" town and a formal, structured set of interview questions, I believe, would not have been as successful in eliciting the experiential responses that I was hoping for. I began every interview with a pair of "warm-up" questions: How did you get involved with the Process? and What were your expectations of the Process? In this way, because there had been a short gap between the conclusion of the Process and the interview, and an even longer one since the beginning of the Process, this allowed participants to cast their minds back to recall events. These questions also set the tone for the interview—informal, conversational, perspectival and experiential.

The next set of questions or prompts were designed to elicit responses for specific aspects of the Process: the Visioning exercise; consensus building; mediator; small working groups; reliable science; large group meetings; Process design; etc. This set of prompts was determined by the observations I carried out of large and small group meetings and in casual conversation with Process participants. They operated as a checklist that I could refer to in order to ensure that participants had covered the full range of elements of the Process in their responses. The final few questions allowed participants to offer suggestions for improvement to the Process, things they would want done differently next time around, and for them to raise issues or comments that we had not already touched on but were of significance to them. This also signalled closure of the interview; discussion became more diffuse at that point, and more conversational, less formal. Sometimes, participants would address questions to me, asking my views of the Process, which I answered in such a way as to maintain my neutrality. Each interview was approximately one hour long, save a few which were two hours.

At the time, I had only a rather hazy sense of the direction that these data might lead; the character of the responses were primarily evaluative. Participants had not had an opportunity to articulate their views of the Process and seemed to welcome the chance to do so. I felt, however, that there was enough range in the comments to provide, at the very least, for an analysis of discursive issues, particularly around the Visioning exercise and consensus building. I thought at the time that there had been little mention of issues of power, but upon engaging in data analysis, found that issues of power did figure often and permeated many other aspects of the Process (see Chapter 5). Further, I had expected responses to focus, almost singularly, on the substantive issues that had been under discussion (e.g., Harlequin ducks) and from that I expected to form an analysis of the role of values in environmental decision-making. But this was an inductive process, one that brought about many shifts in and fine tuning of my original goal. I discuss the development of my understanding of the meaning of the Process to the participants in greater detail in the next sections.

Entree into the Community

One of the greatest cultural surprises of my life occurred during a three-year stay in Australia from 1985-1988. My assumption had been that since I was about to live in a Western, and furthermore a Commonwealth, country, there wouldn't be many surprises. On the contrary: the currency was different, the humour was different, the climate was very different, as well as the food, customs, driving habits, values, wildlife (no bears!), architecture, and system of government. Not altogether different, but enough to put me off balance, and make me feel very, very homesick. A more subtle, but comparatively similar experience occurred while doing fieldwork in Jasper. I assumed that because I was conducting research among "my own kind," I would find entree into the community a relatively smooth experience. By the time of my fieldwork, however, the Maligne Process had been going on for 19 months of closed meetings, and there was some concern on the part of the mediator about opening up the meetings to outside observers, as well as a fear that an outsider asking questions about the success of the process could very well have a dire impact on the outcome.

To mitigate these concerns, I was prepared to produce or paraphrase my ethics approval from the University of Alberta Ethics Committee (see Appendix 4) whenever required in order to dispel concerns regarding confidentiality and other ethical issues. The main ethical issue that was of relevance to my project was the taping of interviews. Respondents often discussed other participants by name or had strong views about Parks

Canada's role in the Process. They therefore sought assurances that the interview material would be confidential and that I would not be identifying their comments in any written or verbal material. Parks Canada has also expressed concern that I not repeat any confidential information they have given me to other stakeholders. I assured participants that only myself and my supervisor, Dr. Eric Higgs, would have access to any of the taped material or transcripts. I have kept the tapes and transcripts in my office in a locked filing cabinet.

Although I think of my fieldwork as being conducted "at home," and certainly the language and other conventions were entirely familiar to me, the people of Jasper, as in other small towns and communities, hold certain customs, beliefs and values that are not readily apparent to an outsider. Residents often joke about the length of time it takes to shirk that outsider label; some say 45 years, others think perhaps a generation or more. I was not under any illusions that I would become a true resident during my stay there. I found that I often displayed an urban formality when first getting to know people, whereas Jasperites were much more open and informal. I tended to overdress at first, in an attempt to make a good first impression. For example, I would wear a good pair of pants and sometimes a sports jacket. After several meetings, after which I hastily changed into more comfortable clothes for the trip home, I decided to dress more like the "locals:" T-shirt, jeans and a sweater. At other times, I would assume a familiarity that was not necessarily well established, trying to become part of conversations in which people were polite, but obviously I was not privy to much of the history of the topic, so found I could not keep up.

Arranging meetings for interviews was interesting. Sometimes I was taken out for lunch or dinner, sometimes we met for coffee, and several times I met with participants in their homes. I relied entirely on the participants' suggestions for meeting places; I had no sense of what was appropriate or comfortable, and each participant seemed to have a different favourite. Periodically I was invited to social events held by one stakeholder group or another and was torn. These people were becoming friends, in a way, so I certainly did not want to use a social invitation for more participant-observation; it would feel too much of a betrayal of their rapport with me to confuse social events and work responsibilities. Also, because this was a *conflict* I was studying, I was concerned that, in a small town, that my participation in a social event of one stakeholder group, might lead to assumptions of bias on my part by members of other stakeholder groups. In the end, I decided against these extracurricular activities, but am not sure that this was the right response.

Developing Trust and Rapport

It was critical to the progress of my research project to have the support and trust of those who administered the MVCP. I arranged to meet with the Park Superintendent who subsequently wrote a letter of introduction and support that was distributed to stakeholders in order that they could become familiar with my project (see Appendix 4). I also had several meetings with the new mediator in which we discussed my project, her concerns regarding the interference of the research with the outcome of the Process, and an agreement that I drafted (Appendix 6), the major point of which being that I would not conduct interviews or discuss the Process with participants until it was officially concluded at the end of June 1996.

By agreeing to these terms and having done previous community health research in Jasper (for which I interviewed several of the MVCP participants), I was able to establish an initial level of trust with a cross-section of the participants, including the mediator. This tended to have a snow-ball effect as others seemed willing to see what the project was all about. Also, since many of them had not found the "closed-door" policy a good idea for Phase I of the Process, they seemed happy to have some outside interest. During the first public meeting of Phase II, I was introduced by the mediator who briefly summarized my research project. There were no objections to my presence from any of the stakeholder groups. Some of the participants were anxious, in fact, to have documentation of their views of the Process, fearing that their perspectives might not otherwise be solicited from Parks Canada.

As the meetings progressed and I kept showing up, more and more curiosity about my project developed, and participants often attempted to discern my opinion of the proceedings. By the end of June, when the meetings were over, we were in some ways like old friends as we had been meeting together for several months, and they were angry enough with the outcome (or lack thereof) of the Process to want to talk with a professed neutral party who had the power to voice their concerns and communicate them to Parks Canada. Parks managers themselves were interested in the views of the other participants, and, I suspect, relished the idea of a "free" research report. (At no time did I ask Parks Canada — or any other stakeholder group— for financial support.)

The broad, open-ended style of interviewing allowed participants to trust the data collection process to a greater degree, I believe, than a more structured format. My first interview, "How did you become involved with the MVCP?" signalled that I was putting the ball in their court, and that their views, opinions, perspectives were the major focus. The narratological, conversational style of interview questions and responses evoked a very relaxed atmosphere and, as the interview progressed, the respondents became more and more engaged with the subject. I also mentioned to participants that I planned to publish a research report of my findings on their evaluation of the Process, thereby emphasizing my role as the collector and disseminator of the "prism of perspectives."

The Researcher's Role

The "participant" element of participant-observation was rather minimal; I was not a contributing member of the Process, but slowly my role as scribe evolved, and I was often included in casual conversation at coffee breaks and before and after meetings. I was encouraged to take a seat at the table at the small group meetings, rather than on a chair against the wall, signalling my status as a participant, albeit a non-contributing one. In some ways, I preferred to remain somewhat apart as I did not want to jeopardize my neutrality by becoming one of the group. The chairs around the table, however, were much more comfortable than those against the wall. I learned to deflect questions about *my* opinions of the Process and to focus on being approachable in a social sense, but merely an observer for this stage of the research project, mindful of my agreement with the mediator to allow the Process to conclude before I began discussing it with participants. As the project wore on, participants commented on, somewhat enviously, my privileged position as holder of all the knowledge, a role none of them could adopt.

Mistakes, Misconceptions and Surprises

In order to check preliminary findings for the research report, I invited participants that I had interviewed to an informal presentation/discussion in May 1997. One of the Parks Canada managers advised me to not get my hopes up too much. After all, it was a year since the end of the Process, but participants were still very bitter about the outcome. Further, after two-and-a-half years of the MVCP, they were sick of talking about it. I had made a few preliminary phone calls, and participants had agreed to come to the meeting, but now I became worried that there would be a poor turnout. Rather than sending written invitations, as per my original plan, I made a hasty round of phone calls to as many participants as I could, and either faxed, emailed or mailed the rest. I booked a meeting room at the Palisades Research Centre, ordered a few platters of hors d'oeuvre type food and crossed my fingers. At 7:30, I was pacing the meeting room, where only two participants had arrived. My overheads and handouts were ready, and the food was laid out, but there was no audience. Ten minutes later, several vehicles pulled into the Palisades and people poured out. I was relieved and, admittedly, flattered. Thirteen out of the twenty-two participants interviewed had shown up!

The talk was a success; no one pointed out any misconceptions or errors on my part. After I had finished speaking, they all thanked me, then, essentially, took over the discussion. They expressed their concern over the lack of implementation of the recommendations of the round table by Parks Canada and requested an item-by-item accounting. This, I suspect, is the real reason that they had attended "my" meeting in such numbers. They had spent over two years wrestling with seemingly intractable issues of human activity in the Maligne Valley, had made very little headway, but of the recommendations agreed on, accepted responsibility and ownership for every one. Parks Canada appeared unprepared, indeed a little flustered, by the sustained interest in the Maligne, and promised to issue a summary report updating the implementation of the MVCP recommendations (Appendix 7).

This tale highlights my role as facilitator of communication among participants, the significance of implementation in collaborative policy and decision-making, and, most important of all, makes plain the naiveté of the researcher. I had obviously harboured misconceptions about the importance of my role in the research community. What I had assumed was appreciative response to my need for research validation, was only that in part. The meeting reminded me that it was *their* process, not *my* research that was of primary importance, and that I should not confuse these priorities.

Two other major misconceptions coloured my field experience and the outcome of the research project. The first concerns an assumption that I made prior to entering the field: that the issues in the Maligne Valley were ones that pitted the nasty commercial developers against the morally superior environmentalists. In other words, might against right. On the contrary, *all* participants considered themselves environmentalists, although in order to accommodate this concept, one would have to admit to an environmental values continuum, with preservation and use at the poles and most participants lumped somewhere in the middle. Moreover, I found myself in essential agreement with the perspectives of everyone I interviewed, even though, quite obviously, there was much disagreement amongst participants. I at no time favoured the views of any one individual or group over another.

Based on this first misconception of the nature of the disputants, as described above, I had originally designed the research project as an examination of environmental values and decision-making, assuming a dichotomy of values of preservation and use, assigned respectively to the environmentalists and the developers. I had assumed that (a) a focus on values would illuminate the decision-making process, (b) that interview questions that explored participants' experience with the MVCP would yield rich data for a thematic or ethnosemantic analysis of environmental values and (c) the success of the process would manifest as a transformation of values. As my fieldwork progressed, I encountered several problems with this approach. First, unless participants specifically step up and announce, "I hold the following environmental values...." it is necessary to read into statements such as

> The environmentalists want to shut down the whole valley, keep it as pristine wilderness, but we want to protect nature and limit visitation to what is sustainable for ecological integrity.

what values each individual actually holds, which are being assigned to other stakeholder groups, and how representative these values are of each group. In other words, the enterprise is exceedingly speculative. Because of this, it was difficult to determine how these values might have affected the decision-making process. Further, although, as discussed in Chapter 5, there is certainly some evidence of a value dichotomy, much of the participants' comments focused not on issues and values, but on relationships between participants and on the process of decision-making.

Thirdly, the MVCP is a much more complex and dynamic process than the identification of participant values acknowledges. It became apparent as I conducted data analysis that there were contradictions in professed positions, interests and values (as in the case of one participant who found that his personal use of the Valley conflicted with his stated values and position on this issue). The concept of values as a glue for group identity (Simmel 1955; Mach 1993) is valid to a certain degree, but often there was as much disagreement *within* as *between* stakeholder groups. Alliances between groups were often made based on a shared approach to process, rather than agreement on issues. Value labelling tends to imply a stability or entrenchment of identity and beliefs, whereas it is the interaction of these beliefs and values and the process of negotiating a resolution to their conflict that was the focal point of the Process for participants.

Validity of Findings

If the findings of ethnography are to be useful, they must also be considered valid. Without the apparent objectivity and statistical reliability that quantitative data provides, ethnographic findings are often considered too "soft" to be used as the basis for policy-making, particularly if a postmodern approach is taken. The multiplicity of "voices" and the reflexive bias of the researcher tend to lend confusion and distrust to the findings rather than credence.

The problem with many approaches to validity in ethnographic research is that they attempt to emulate or modify quantitative approaches rather than to address the question of qualitative validity as an inherent challenge. With this comparative approach, ethnographic validity will always be found wanting. Hammersley (1992: 69), for example, argues that "An account is valid or true if it represents accurately those features of the phenomena that it is intended to describe, explain or theorize." With the focus on accuracy and truth in an interpretist methodology, there will always be detractors for any particular account. Altheide and Johnson (1994: 488) on the other hand, suggest that we should abandon "any pretense of linkage or adequacy of representations of a life world" and instead focus on the utility of ethnographic knowledge.

By employing an interpretivist approach, questions of validity necessarily involve researcher bias. One has to acknowledge and accept that, especially in qualitative analysis, researcher bias is inevitable. I am aware, for example, that I sit closer to the preservation end of the preservation/use continuum. I know that I want to use national parks for purposes of solitude, that I want a minimum of human impact, that I fear that national parks are becoming ecosystemic islands, and that if it were possible, I would not want a town in the middle of a national park. At the same time, I shop in Jasper regularly when I am in the park, I *work* rather than play in the park and I am intellectually aware of the need for management of the park ecosystem, particularly with respect to fire regimes. I believe that I listened with respect to all those I interviewed, and have not discounted a perspective just because I do not share that view myself.

To my mind, researcher bias is more subtle than this. Did I leave aspects untouched in the interview process? Undoubtedly. If I had it to do again, I would question participants more closely on their views of wilderness, their definition of a national park, their understanding of ecosystems and nature, their attitudes towards conflict and its resolution. But I did not ask these questions, and no doubt my analysis is lacking in these aspects.

I have addressed some basic issues of data validity through the following means: triangulation of data types and sources was achieved by comparing and consulting data accumulated for the community health study conducted in 1994, field notes kept on observations at large and small group meetings, and a field diary in which I recorded comments on these and other observations as well as personal angst and which provided much of the recall of events and problems in the field that are recounted here. I was also cognizant of the need continually to address theoretical assumptions in order that the theory reflect actual events in the field. An account of changes to *a priori* theory while in the field is given above. In order to check whether initial data analysis was capturing the essence of what participants had told me in the interviews, I delivered a presentation to them after the analysis of seven of the 22 interviews (one from each stakeholder group plus the mediator). From the response at the presentation, although respondents were surprised at the pervasiveness of the negativity of participant comments — participants were angry and embittered by the Process in part because it did not resolve any of the large issues that they had hoped it would — I am assured that the analysis process has not injected undue distortion into the participants' recounting of their experience.

What happened during the two-and-a-half year MVCP? What were the significant events for participants and did they feel a sense of achievement with the outcome? Using NUD*IST proprietary software data analysis program, I employed a modified coding system, based loosely on a grounded theory approach, in order to flag common (and not so common) themes of the interview texts and to attempt to sort out the dialectical interrelationships between key elements in the Process, as identified by the participants. What follows in Chapter 5 is an account of this process of data analysis.

Chapter 5

Data Analysis: A "Prism of Perspectives"

Qualitative data are sexy. They are a source of well-grounded, rich descriptions and explanations of processes in identifiable local contexts.

—M. Miles and A.M. Huberman 1994

*QSR NUD*IST is designed for efficient data management and for creating and exploring new ideas and theories. It does not determine the research approach, rather it provides tools to support a range of tasks required by various approaches to qualitative analysis and different sorts of data.*

—User's Guide for QSR NUD*IST 1996

Direction for Data Analysis

For the ethnographer, data analysis can be a daunting task. One factor in its enormity is the sheer volume of field notes, interview transcripts, field journals, etc. that have accumulated during the field research period. Some sort of distillation process from raw data to interpretive narrative is required that can both reduce the bulk of the data and discern patterns or themes. The central problem in data analysis, in my view, is how to identify segments of the data that both represent those patterns and are true to the meaning and intent of the participants in the research study. How can I avoid imposing my own research agenda on the analysis process thereby exploiting not only the data, but the participants that have extended their trust to me? One of the ways in which this concern can be addressed is through considerations of validity — reflexivity and triangulation of methods — as discussed in Chapter 4. Further, the form and style of the ethnographic text can be more inclusive by incorporating a "prism of perspectives" rather than assuming commonly held cultural values.

The discussion below gives a summary of participants' comments on the Process that illustrates this "prism of perspectives" that the Maligne Valley participants hold. Although cultural values are held in common in many instances, the range of views and beliefs is both at once reflected in the substantive issues in the debate and an indication of the rich diversity of values that constitute a community. First, the chapter recounts my approach to data analysis and describes the method and rationale of coding.

Tools for Data Analysis

Although in the past ethnographers used to go to the field, collect their data, then come home and write it up, many are now adding another step: the classification of data into patterns or themes. One of the most efficient ways of accomplishing this is to "code" the data into meaningful "chunks"— either by word, line, sentence or paragraph (Miles & Huberman 1994). Coding has become a popular approach to data analysis with the introduction of Glaser and Strauss' grounded theory approach (1967). Essentially, the main purpose of coding is to identify chunks from disparate texts and, based on some meaningful relationship between them, assign a "code" that describes this relationship. For example, the words apple, orange, banana would all be coded under "fruit."

The first problem I encountered in the coding of the data was the question of the purpose of the analysis. Since I had modified my original hypothesis of value identification during field research, what sort of analysis did the evaluative comments of the stakeholders suggest? My goal in coding was to attempt to discern the range of perspectives and meanings that participants assigned to their experience. Rather than the typology of values that was originally proposed, the data suggested that a more richly textured, complex analysis was required in order to assess the way in which values were interwoven in the Process.

In order to capture this dialectic of values and process, I first developed themes from the data (issues, process, relationships) during the transcription phase. I then conducted a first round of coding using these themes. This approach yielded a preliminary identification of the aspects of the Process that were significant to the participants' experience; it did not, however, address the interrelationships between the dialectic elements in the data, in large part due to the "flattening" that occurs to vibrant, complex and fully nuanced data when they are stripped of context and assigned to coded classifications.

One of the approaches I used to resolve this dilemma and recapture the experiential aspect of the data was to code segments to more than one category in an attempt to reproduce the complexity of the original meaning. Another was to regard the data analysis as a process that is bracketed off temporarily from the narrative of "what happened," has its components rearranged, then returns to the story in its new form which the context again enlivens.

NUD*IST: Uncovering the Sexy Underbelly of Qualitative Data

In the past decade, computer assisted data analysis has become more common in anthropology. For coding of interview text, it is a much more efficient and tidy method of sorting data into categories, patterns and themes than cutting and pasting or applying highlighting marker and margin notes to hard copy (although I did use the highlighting method for further refinement of the computer data analysis). I chose NUD*IST (Non-numerical Unstructured Data Indexing Searching and Theorizing) data analysis program primarily on the recommendation of colleagues whose data analysis needs were similar to my own. Not only does it code and retrieve data, but through an index search system, allows the researcher to build theory based on the correlation of different data sets. Since the goal of my analysis was to interpret and assess meaning, *not* to examine correlations or discover causal connections, I did not use this aspect of NUD*IST.

The program sets up a hierarchical tree structure (see Figure 5.1) in which the "nodes" at the intersection of branches of the tree represent the coded categories.

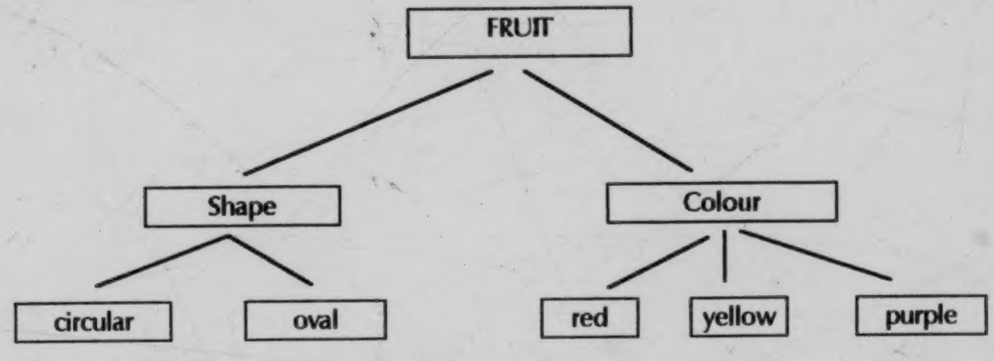

Figure 5.1: Simulated NUD*IST tree diagram showing nodes

Interview text is introduced into the NUD*IST system, then lines or paragraphs are highlighted and coded to the appropriate node. Material can be merged, attached or copied to another node, and the highlighted text can be coded to more than one node. A report can be produced for each node, showing the title of the node and all the textual material coded to it.

After transcribing each of the interviews, I became aware of three broad themes running through the responses of the participants: issues, process and relationships. As I subsequently discovered, these themes parallel assessments found in the literature (Rabin 1996; Shaffer & Anundsen 1993) and would indicate that participants experienced the dispute resolution process in a range of ways. I therefore began coding with these three "parent" nodes and proceeded to add "children" nodes as the data suggested them. Thus, under the umbrella or parent node "process" some of the children that were discussed or implied in the data include: representation; consensus; appropriate activities criteria; vision; meetings; and mediation. Below these nodes, further refinements in the form of new child nodes were added as in process/Parks/communication. In some cases, a fourth level was required (process/Parks/communication/position papers). By the time two-thirds of the interview data had been coded, almost all the codes had been established, and as I proceeded to code the remaining data onto nodes and no new ones emerged, it became apparent that I had captured all the main themes and ideas from the data.

I usually coded large chunks of data to each node—that is, either whole paragraphs or the entire response to a question—in order to maintain much of the context in which each idea or theme was found. As a result, when I made a "report" for each node containing all the textual data coded to that node, many of the reports were very long and unwieldy. I then took a highlighting marker and marked sections where an idea was particularly well expressed or that represented a main idea of each speaker and as well made margin notes that captured the key word or idea of the highlighted sections. In this wheat and chaff approach, I was able to distill the essence of each node while still maintaining its contextual information thereby providing a more focused, but nuanced, analysis than the reports would initially suggest. This round of data analysis afforded a detailed thematic gaze at elements of the MVCP that shaped the participants' experience and gave it meaning and significance.

Data Analysis: Participants' Experience of Process

Computer data coding is efficient, simple and comprehensive. Recontextualizing the data into a meaningful interpretation of the event is the more difficult task. One method I used was to elicit themes from the coded data sets. Spradley (1979: 186) defines cultural themes as "any *cognitive principle, tacit or explicit, recurrent in a number of domains and serving as a relationship among subsystems of cultural meaning*" (italics in original). Spradley's "domains" in his ethnosemantic analysis find a parallel in the "parent nodes" of the NUD*IST system. His notion of "cognitive principle" is essentially a cultural belief regarding the nature of social experience. Thus, by identifying patterns of belief that occur in coded data at more than one node, a set of themes begin to emerge (see Figure 5.2). An essential point to note is that *categories are identified solely for the purposes of data analysis and in reality are not discrete entities but are interrelated and interdependent concepts.*

Many of the comments of participants emphasized the theme of process – how it was designed, conducted and facilitated. Much of this commentary focused on the need for more direction from Parks Canada and the facilitator as well as the amount of time "wasted" in Phase I of the Process on the Visioning exercise. Remarks frequently mentioned the need for more momentum and a tighter process in terms of time, information flow and leadership. Concern was expressed by many that the problems of entrenched positions and "squeaky wheels" should have been addressed by the mediator in a more forceful fashion. These problems were often cited as the main reasons that consensus was difficult, if not impossible to achieve.

The following summary of participants' comments and concerns is categorized by the three themes identified by participants: issues, process and relationships. Within these broad categories, sub-themes emerged as representative quotations from the coded data were grouped: thus within "Issues," "values" are discussed; "Process" addresses the sub-themes of "discourse," "social institutions" and "power, legitimation and politics"; and "Relationships" addresses both "social relationships" and "feelings and emotions."

Issues: Values

At the heart of most conflict situations, is a dichotomy of values. Environmental conflicts, and the MVCP, are no exception.

> "I think environmental conflict is always going to be there to some extent because there's always going to be people who want to preserve pristine, exactly as it is, and there's always going to be someone who wants to make a living from some area."

> "But if environmentally, politically correct has given you the predetermined, which side are you on, the wolf or the rancher? the Harlequin duck or the rafter? If

> you're over here with the rancher and the rafter, you're definitely anti-environmental.... We're set up in a structure that's oppositional."

> "[From the business perspective], if the demand is not there, they create the demand and offer more services. And from the environmental perspective, what is there is already too much. Let's shut down the Valley. And this is very polarized, obviously."

Participants were troubled by what they viewed as unfair depictions of the values they hold by other stakeholder groups:

> "They're interested in the environment. We are interested in money and are therefore anti-environmentalist."

> "What we really wanted was the status quo. Don't take anything else away from us and we'll help you clean up anything you want, basically. But the environmental side was looking at it like if you make money at something, you're bad."

> "But if business, from the environmental point of view, is involved at all, then it's like a little blinder goes up and it's bad.... We're all guilty to some extent of environmental damage to this area.... There are business people who think all environmentalists are bad, out to do this and this and this to me. And that's not the case."

> "It was really disappointing. You were just automatically branded. If you weren't sitting in one of those two groups called 'environmentalist,' then you were over here and you were anti-environmentalist."

Actually, this dichotomy can be thought of as a continuum between the values of *preservation* and *use*. As one participant put it, "I know the problems we have in the world that, in that sense, use and preservation are opposed and there's no getting around that. The question is, where do you draw the line? What sort of uses do the minimum damage?" On the other hand, many participants stressed that "we're all environmentalists," and spoke in terms of environmental "extremists":

> "The next thing that you'll get from them is that you'll pull up to the park gate, watch a video on a big screen and turn around and leave. It's that bad in some instances. They want to close the entire Valley."

The preservation end of the continuum was depicted as one of strong ethical and philosophical principles:

> "They [environmental groups] see their role not so much a decision maker, but rather they see their role as the conscience of the decision maker. The

> conscience of the agencies that are making the decisions or the conscience of society in general to ensure that environmental standards, environmental ethics, ensure that the national parks as protected areas, the agencies or managers have the appropriate stewardship principles to ensure integrity is written in our documents."

> "The CEAA [Canadian Environmental Assessment Act] has given us an assessment that is mitigatory. It is, take any construction project and see how best you can fit it in. It does not say, 'what the hell are we doing here?'"

Some felt that this ethical stance impeded the environmental groups in the negotiations:

> "Not only are they representing a large group, but they're also representing a national principle, or national philosophy. If they agree to something and if it's on behalf of all these other groups, then it should damn well be within that philosophy or their principles or else as an individual they will seem to be weak or seem to be compromising or seen to not fit the overall thrust of the larger national groups. So, there's a lot more pressure at that level."

> "We feel that someone's got to stand up for the parks. But you can't negotiate parks, you can't compromise them cause they're not ours to do it."

The use end of the continuum is characterized by values that reflect the importance of economic viability and a "positive visitor experience":

> "I think that one of the positions that our group never took as hard and fast, being the business group, was the need for a positive visitor experience.... how we need to have that great visitor experience for, say, skiing, for a good skier but also the Sunday afternoon skier. And to give somebody that experience and maybe they see a caribou or some ground squirrels or whatever it is that enhances the experience."

> "And because Parks has that responsibility to the park and that clearcut mandate on what service or what they're to provide. And they do have to consider the environmental aspect but they have to have the positive visitor experience and they have to look at the economic viability. There are a lot of aspects to the administration of a park which is not just environmental questions. There are a lot of others. Cause there are millions of visitors coming here."

A central component of economic viability is the preservation of the wilderness character of the Valley in order to ensure that there would be a "product" for visitors to enjoy. Several participants commented on the irony of "killing the goose":

> "That's why these places are here and are a park, as far as I'm concerned, so these people can enjoy it and see it. But if you block it off and don't allow anybody to go in, what's the point. You're going to preserve it, but for what?"

> "We're environmentalists as well because we have low impact and [as many of us like to say], 'look, we don't ruin our product.' ... 'we're not there if we destroy the beauty and serenity of everything. Then we don't have anything to offer."

> "The business group gets tunnel vision as to what they want to achieve and they're not looking at.... If development were to keep going, going and going, we would lose what brings people here in the first place. And I think if most businesses really thought about that, they would be really concerned about it. And they would ask how can we keep what we have."

In keeping with the need to ensure that "we don't ruin our product," solutions to this dichotomy and conflict in values between preservation and use were often couched in terms of limits to and moderation of human activity in the Maligne:

> "There has to be some way we can meet in the middle somewhere. I don't want to see a lot more people up there. The amount of people that travel up there now is fine, but .... if it's going to keep increasing, I'd like to see it limited as well. But, to eliminate people going there is just absurd."

> "But I think I'm just about at the limit of what I want to do, as far as the environment is concerned. I don't want to go up there and do any damage to it."

> "We love it because we actually were able to participate in it. And we feel that this is an extremely important part of conservation. That if you were to close it off, you would lose the minds and the will of the people to protect it. If you allow them to moderately participate in it, it is an extremely important part of Canada and the world system. It has more political power in moderate participation than absolute closure."

> "But at least get them [Jasper Park Lodge] thinking of ways they can improve what they hold today, to make it more environmentally satisfactory. What they hold today, improve that. Don't make it larger, don't bring more people in. That's what we're after."

Still others took a pragmatic, technologically oriented approach and suggested that what is required to maintain ecological integrity, while still fostering human activity, is to use financial resources to improve the technology, to make it more environmentally sound:

> "If there's new and leading stuff out there, let's face it, the more of us that buy into it, the more money there is for technology and advancement and everything else."

> "And I'm one of those persons, well if this is a problem, let's fix it."

> "If there's a problem, let's solve it, let's not go around suing everybody."

> "They have a lot of public donations that they use to sue. Well, why don't they use these millions to fix the problem. That's as crazy as the Jasper River Use Study. Every bit of trail degradation that they could have named could have been fixed for the quarter of a million bucks that was spent on that study.... But instead we've got a study that says, 'Get out of here.'"

> "What's money got to do with it? I've got money here, I can fix a problem."

> "Spend the money. They're tracking them [caribou] by satellite. You can do it. Sure it's expensive but you know if you want to do something... The Maligne Valley's for all taxpayers ... before you close it down, spend the money to study it because you might find that it's not [a problem]."

Some sense of local attitudes towards the economic viability of conducting business in JNP can be inferred from the observations quoted above. First, it is obvious that as an integral part of the Canadian economy, material practices in Jasper are based on capitalist philosophies. Because of the "wilderness" or natural setting of a national park, however, business opportunities are, particularly in environmentalist circles, seen as exploitative of and antithetical to wilderness values. The irony is that most environmentalists also conduct business in the Park—Parks Canada has in fact invoked a "need-to-reside" policy for residents of Jasper—and thus could be accused of being hoisted with their own petard. A sort of ethical rationalization, comes into play, therefore, that aims to justify some of the grey area between pristine wilderness and crass commercialization.

All participants would undoubtedly agree that there are instances in Jasper, and particularly in Banff, where commercial development no longer reflects the natural and cultural themes that Parks Canada wishes to promote. Indeed, the Banff Bow Valley Study, in large part, addressed the social and biophysical impact of rampant human activity and development in the area. Emphasis by commercial developers in the MVCP, therefore, was placed on the environmentally educational aspect of their business or on efforts taken to acquire environmentally benign technology. They also stressed that they would not want to expand these enterprises to such an extent as to "ruin our product." At the same time, they want Parks Canada to uphold its mandate to provide for a "positive" visitor experience while safeguarding the environment—that is, their natural capital. Especially during the discussion of the Brewster Chalet, where for a time it appeared that participants might be submitting competing tenders, concern was raised that "non-profits," in other words, businesses conducted by environmental groups, might be given preferential treatment, perhaps in the form of reduced land rent. Some participants felt that the "extremists" represented an anti-capitalist faction that held sway with Parks Canada and the media.

On the other side of the ledger, environmentalists admitted to doing business in the Park, but felt that they did this in a more mindful way with respect to the environment. They talked of self-imposed limits and of the need to put preservationist ethics before livelihood. As they remarked, their businesses operated as sole proprietorships so that they were not accountable to non-local shareholders. Some of them commented that although they at first thought that the commercial developers were there only to exploit the wilderness for profit, as they got to know these individuals better, they realized that they too practised an environmental ethic and were extremely knowledgeable of the natural splendours of the Maligne Valley. The fact that both the environmentalists and the commercial developers shared some recreational experiences, such as cross-country skiing, further enhanced this realization.

Perhaps the most poignant comments, suggesting that the dichotomy of environmental values was not as structurally embedded in the conflict as one might be led to believe, refer to an implicit set of shared values that the group was not able to uncover and build upon:

> "I don't really have a definition [of wilderness] but I know what it is.... If I walk back into the woods, and I don't see any sign of people whatsoever. I see a deer walk across the trail. I see some animals. I come up on a stream or a lake and there's not footprints and I don't leave any either. That's wilderness to me. And I think that's wilderness to a lot of people."
>
> "I think everyone around that table, if we had done a little checklist about what's so wonderful about the Maligne Valley, it would have all been pretty much the same. And somehow because of negotiation styles, the mindset that people come in with, you'd think that that's not there, but it is there."

Process: Discourse

Two strands predominate in participants' comments on the discursive aspect of the MVCP. The *Vision* process, conducted early in the Maligne Process, was a source of frustration to participants primarily due to the complicating factor of language. Participants' discussion of the concept of *consensus* provides insight into their varying, and at times contradictory, views of the consensus-building process. Taken together, the discursive analysis of these notions reveals the ultimate paradox of the MVCP: issues of process often took priority over issues of substance and at the same time became the ground on which the central conflict was debated.

The Vision process was introduced by the facilitator in Phase I as a means to explore positions on the Maligne Valley of the various stakeholder groups and to attempt to find some commonality in these positions. That common ground was then to be expressed in a statement that represented the interests of the stakeholders. Language, however, proved to be a barrier to reaching a Vision. Participants said that time was wasted trying to agree on the definition of words, that a lot of time was spent "hammering at words," and that they "stumbled on words and definitions" rather than looking for agreement.

> "Terminology. We got hung up on words, on terminology because there's a lot of distrust between groups. Should we use 'the' or 'a.' It was down to that kind of detail."

> "Oh, God, that was cumbersome. It was dry.... That was right at the beginning when you thought you were going to be duelling swords over the ducks. And all of a sudden we were doing this sawdusty Vision process that got stalled out on terminology.... There were words.... Ecological integrity. Oh my God. I tell you we spent whole meetings on ecological integrity and the ambiguity of it."

Other participants commented that the choice of wording for the Vision was considered significant because it revealed the deeper or underlying meaning of what was expressed: "Interest groups attached such importance to the process of Visioning because they were afraid that arguments would be won or lost based on what wording went into the Vision.... People were feeling so guarded."

Guardedness and ambiguity permeated the participants' perspectives on consensus building as well. Generally, there was a view that consensus building works on "the opposite premise" to the legal system. Many used the terminology "win-win" for consensus as opposed to "win-lose" for the court approach to conflict resolution. Definitions of consensus often hinged on an undue emphasis on compromise and a homogeneity of perspectives:

> "Consensus implies everybody reaching a decision that everybody is happy with on all issues."

> "The idea was you would get these people together and they would come to agreements about the park, about the Maligne Valley."

Consensus requires a transcending of individual interests to an "overall purpose... you have to have something that transcends individual interests and brings them together in an integrative way." "There's no way you'll ever be able to collaborate on the divisive issues unless you've got some fundamental agreement." This view is perhaps best expressed by a participant who said that consensus cannot be achieved unless "everybody shares the same values."

In reality, however, participants were disenchanted and somewhat bitter with the way in which consensus building was taken up by the MVCP: "I think it may not have been consensus in the real theoretical way in which consensus is supposed to work." According to one, some participants were guarded as they felt "very threatened that they were going to be forced into a position where they would have to compromise more than they wished." It was difficult to get participants to commit to a process where "they might actually end up agreeing to something they never thought about before. And it might not look like they've got as much power as they had." Also, participants were unaccustomed to dealing in a consensual manner; "they couldn't get their heads around dealing with what it really means to build consensus." Many felt that consensus may have been the "wrong tool" as people were "so far apart and there was so much personal conflict."

> "In a national park situation where you have this very strong mandate to protect the park, and then there's people who are wanting to use the park for certain things that might not be in sync with protecting it, well, you can never get consensus on that."
>
> "How can consensus be possible for a group who says that no development is the only way? Right there they've totally compromised their issues if they even try to work toward consensus. They've compromised."
>
> "We could go on for years and that group, in terms of the Maligne, is not going to reach consensus."
>
> "Inherently, [some issues] are extremely difficult issues to try and tackle through consensus. I think probably they require a more autocratic approach.... Otherwise you won't get anywhere. You'll be spinning your wheels and going around in circles for a long, long time."
>
> "My immediate memory of the consensus is that the squeaky wheel got the grease. And that isn't consensus."
>
> "The process of consensus would be nice, but if you're forcing people into it, then you're not really going to get it."

Others were concerned that the consensus process was another way of maintaining the status quo: some were there "to prevent losing anything that they had" or that consensus building is a way of "putting it all off and letting the status quo continue."

Another major disappointment with the consensus process is that there was little by way of closure for most despite "the cracking of the champagne bottle at the end." Another put it, "Do I have to share a drink with this group?" Many expressed regrets that "we were never able to deal with the tough issues that really were going to require people to put their heads together and reach agreements together." Closure for some would have required a more goal-oriented approach: "Where are the conclusions? Where are you going from here? What concrete decisions have you made?" As one stated, "It sort of wandered off as a whimper. The bitter end."

A few suggested that perhaps consensus required less of an absolutist approach. One put forward a three-phase approach in which different types of expertise would be invited to assist the participants with different kinds of issues (e.g., ecological, administrative, relational, etc.). Another put forward a proposal for different levels of consensus for different types of issues, modelled on the Robson Valley Round Table process. Some mentioned that a collaborative process is a good forum for relationship building and mutual education and for bringing knowledge to the table.

In general, by framing consensus in absolutist terms, a win-win rather than a "maybe-ok" situation, participants believed that they were required to give over completely to some solution that compromised their interests, to establish a homogeneity of interests and values in order to achieve consensus, to apply consensus-based processes only to the less contentious issues, or to adopt an autocratic approach. If consensus were reframed, however, to encompass a joint problem-solving approach rather than compromise, and to stress more emphatically the application of objective criteria for assessing each issue, perhaps an agreement package that was considered acceptable — although by no means perfect — could have been negotiated.

Process: Social Institutions

The social institutions relevant to the participants' experience of the MVCP include Parks Canada, the legal system and the courts as well as the Process itself, which includes numerous sub-themes as outlined below. In general, despite the fact that the issue of the Harlequin duck was not on the table, the collaborative process was seen as an alternative to the court-based system, with, in a few cases, the preference still being voiced for their day in court. Participants felt that if the Process were successful, that the duck issue could also be negotiated by consensus, or at least out of court. Nevertheless, it was difficult for Parks Canada to convince all stakeholders of the advantages of collaboration and negotiation as an alternative to raising a legal challenge:

> "If at all times they believe that their best backup and their best option is still going to be the court, then you're not going to get discussions and agreements conducted in good faith. It's not going to happen because that other process, the legal system, is in the back of everybody's minds and I think it affects the way everybody does business."

Much of the responsibility for the intractability of the Maligne Valley conflict, however, was placed on the hierarchical and bureaucratic nature of Parks Canada administration and management. Not only was this true in the larger, decision-making role of Parks, but also in terms of the minutiae of the Process and the amount of information Parks managers made available to the table.

> "What's the problem? Parks is spineless. They don't want to deal with the work that's on their desk. What they want to do is deal with their promotion and get the hell out of here and leave the problem on somebody else's desk and hopefully he'll be smart enough to deal with it."

> "Sometimes I felt that Parks was not doing its job. Or that they were abdicating their responsibility by not making decisions that they should have been making. Just according to policy, to the National Parks Act, there were certain things that they should have been making decisions on because they have that responsibility

> to the Canadian people. They're supposed to be doing their job to the Canadian people to preserve these parks."

> "I think Parks hoped to abdicate responsibility through this.... Everything that's there that we've committed to, energy, finance, creativity, all the things that we have to bring to the Parks is now at peril.... I don't think they've exercised their responsibility to the Canadian public. They've tried but they have the media beating them over the head and money from the Sierra Legal Defence Fund out of the States suing them every time they breathe."

Decisions on issues prior to the implementation of the MVCP were taken on a case by case basis. Specific requests would come forward and managers would assess whether the request was appropriate under the management plan and Parks policy. "We said, 'Yeah, that meets all our policy objectives. Now come back to us with details of what your plan is and we'll explore that further with you.'" The decision-making process did not always go that smoothly, however. "These plans and policies had their limitations too and were given to interpretation. And that's when we found there were a lot of conflicts. People were interpreting policies and the management plan to meet their specific interests."

Often, the perspectives on the mandate of Parks differed considerably:

> "They say they have a tourism mandate.... There's still internally a big rift in whether or not they should be."

> "I did go into it a little suspicious because I've always felt that if the Parks Service just did what the National Parks Act and regulations require, then we wouldn't have to have these long fiddly processes about this part of the park or that part of the park. The Parks Service would simply protect it properly."

> "We want to take the Park mandate.... We come right up front and say that this is what we want to see happening. We want to enhance the Park mandate in these ways..... I think appropriate use should serve the overall purpose of Parks."

In light of this contention over mandates and interpretation of policies and plan, Parks decided to bring together the different interest groups in order to discuss the issues in the Maligne Valley:

> "If people aren't happy with the direction there in the policy, then they have to go through the policy [process] to get those amended. So that's black and white, but there are a number of things ... that are given to interpretation and it's that interpretation where there's room for public debate. It doesn't have to reside entirely on the Park's side. We can go for further discussion on these issues.... And that's where a process like this is entirely appropriate."

Another participant, however, saw the decision-making process in a completely different light:

> "Parks has been burnt by adopting positions and strong things in the past. And they have a policy, in my view, that they first identify that there's a problem there, they would then monitor it. And if the monitoring indicates that there's some substance, then they'll have a collaborative process. And when the collaborative process comes out, they'll take the views of the people there and see which has the squeakiest wheel and put a little grease on it."

Having made the decision to hold a negotiated decision-making process, with the involvement of key stakeholders in the Maligne Valley, many felt that Parks then did not follow through with adequate communication and leadership:

> "Because everybody accepted the fact that Parks Canada's legislation, the policy and management plan are the guiding documents for management in the Maligne Valley. And in the Park as a whole. And that it is unfair of Parks Canada to come down to a table with a clean slate and say, 'OK stakeholders. Tell us how to manage the Maligne Valley,' when a lot of people ... aren't quite clear where the boundaries are, how far they're willing to go either way on a continuum of many options. So everybody was left dangling."

> "When I started out, after the first couple of meetings, it was very unclear what the process would be about, what issues would be addressed and what issues would be resolved, what issues would not be addressed, by mutual agreement perhaps. And that's because Parks Canada choose, in connection with the facilitator, that it was best to leave the parameters very wide and open. But I can remember statements being made by Parks and the facilitator, in answer to questions like, 'well what are we here to talk about.' 'Well, we're here to talk about anything to do with the Maligne Valley.' That's it. The Maligne Valley is the parameter here."

> "Make clear what the questions are going to be. And I think it's essential that the organization that's beginning the process or asking for the advice make it clear what the decisions are that are going to be made and when they're going to be make. And you can't force a group of people to come up with recommendations, but you can tell them what the window of opportunity is."

The role of Parks Canada at the table, as many participants pointed out, was nebulous:

> "I believe that Parks Canada should never put themselves again in the position of being one of the boys here, just one of the participants around the table."

> "Parks was in the awkward spot of being a stakeholder but also being the repository of most of the information but also the implementors. And it seemed

> to me that one of the things that they needed to do early on was separate those functions."
>
> "I think we went into it treating ourselves as an equal player, one of the 6 or 7. We probably went too far in terms of our obligations and our authorities, our role. Too far in terms of pretending we weren't who we really were..... And I guess that didn't work really. It was too much wide open, really wide open."
>
> "Well, initially when we picked up this process in our minds Parks Canada's role was really to be an equal partner at the table. But because we are the regulating body, we're equal, but unequal. We're still accountable at the end of the day for the management of the park."
>
> "But Parks sitting at the table as an equal partner everything ends up on their lap, and they're not an equal partner."
>
> "If all 6 groups were supposed to be equal, then Parks was not equal to the rest of us. Because let's face it. They had the final decision."

Many thought that the reason for the confused role and lack of communication and leadership stemmed from the organizational structure of Parks:

> "Morale in Parks is at a devastating low.... And the consequence of this low morale and this disorganization that's going on there is that there's no good decision making."
>
> "Parks is in just tremendous turmoil at the moment. We haven't had a superintendent.... We make a joke out of it; the supe du jour.... Can you imagine any real business corporation having no boss for a year and nobody even making a bother?... The employees are in a total panic because they don't know — do I go to work on Monday or what do I do?"
>
> "There's a lot of people, particularly in middle management, that aren't sure what they can and can't say, what they can and can't do, what they can't make a decision on and what they can make a decision on. So things don't get done."

Other comments emphasized the structure and design of the Process itself as the problem in achieving progress and consensus on issues. Although most were happy with the communication and mood of the small group meetings and the progress made there, as issues moved back to the large group meetings, much of that progress was often undone:

> "[The small groups were] significantly more effective. But I think that's more a function of the mechanics, the structure of the small groups. In the small groups,

> they were generally set up with one representative from each of the stakeholder groups, presumably with some knowledge of the issues that they could bring to that working group to reach some sort of agreement on the issues. And I think because you have a small number of people in the room, 6 or 7, your chances of developing agreements, or consensus, on certain points was significantly increased than, say, in the larger groups."
>
> "And in the absence of a facilitator, there was also less need to posture and you didn't have other people sitting behind you that you had to posture for. You were on your own. It was a smaller group of people. And it was issue specific."
>
> "It ended up being more productive when you could sit and talk less formally. But in the big group if you let everyone ramble on, you'd never get anywhere."
>
> "But where we fell down is that there wasn't good follow up in terms of what the large group accepted or rejected. We never seemed to do that consistently."
>
> "Yes, but ultimately what happened there was there seemed to be this idea that we'll send this representative to the small group but we'll trash it when it comes to the top. And there were some wonderful things that happened at the small groups, but I don't think that the stakeholder groups invested enough legitimacy in their representatives.... So when the decisions were made at that level, they were picked apart farther up."

Some found that during the large group meetings, the rule that only the stakeholder representative could talk was a constraint to the rest of the stakeholder group. Others commented that the physical shape of the chairs and tables in the room fostered an adversarial, or, at least, uncommunicative atmosphere:

> "For a while, even the physical structure was not set up correctly to hold these kinds of meetings. The six stakeholder groups with their support in behind was and should have been from the start set up that way.... For a while [from March 1994 to January 1995] there, it was round tables, separate. You talked with your group. There was us against them. I think it's sometimes how it developed. There was no centre."

Another issue several participants mentioned was the lack of financial support for the Process.

> "There was no support. You look at this compared to the Banff Bow Valley Process. I know it's not the same thing, but they had millions of dollars put into that and we had nothing. Even the person that was the support person, secretarial type of work, she has a full time job to do. This was something extra thrown in for her. There's no support person hired at all until the end. ... So that was part of

> the fault of it dragging on and on and on, because there was no support, infrastructure for it to move along."
>
> "They had, what, 2 1/2 million dollar budget and we had $28,000. Well, we had good cookies."

The final aspect of the Process that participants commented on was the formation of an advisory group, intended to continue with assessments of issues and recommendations to Parks managers after the official June 30, 1996 deadline. In part because of budget restrictions, this group never formed. Many participants were ambivalent about the ongoing process, feeling burnt out and demoralized by the lack of closure on the regular Process:

> "Nothing has been said about it to indicate that it will be ongoing. And I'm ... pretty unhappy with the fact that nothing seems to have been built or developed out of this. I'm not sure that I would personally want to be involved in some kind of ongoing process."
>
> "We had 24 people and we couldn't handle all the issues in front of us. So if you got it down to six people, how are they supposed to deal with all the issues that were left outstanding in the Maligne Valley?... So, I think it would be a great thing, but if you wanted to do it properly, you'd have to quit your job and work on it full time. So I don't see how they can tackle it from a logistical point of view."

On the other hand, participants acknowledge the importance and desirability of an advisory group:

> "Processes like this have to have some sort of continuation. I don't think you develop collaborative processes and consensus building processes or round tables and have them operate and then it's over. And that was the whole purpose behind the advisory body. Because I think you need some sort of continuing forum because otherwise you could quickly lose what you've gained if you don't have that continuing forum. It keeps the momentum, it keeps people up to date and involved."

Participants formed a small working group to discuss the parameters of a potential advisory body. Its recommendations are found in Appendix 2.

Process: Power, Legitimation and Politics

As noted above, efforts were made by some stakeholders to represent others as having particular clout in the media or with Parks administration. In reality, however, power differentials were not nearly as marked as they would be, say, in a process involving CEOs of a large industrial firm and local aboriginal groups. Everyone around the table, save one representative from the national environmental groups, was a resident of Jasper and had a strong attachment to the area based on care, respect and stewardship for the local surroundings. The power struggles in the Process were centred more on the discursive legitimation of one's position with respect to a particular issue. Interestingly, this legitimation for all parties focused on the use of "reliable science" rather than the quite extensive lay knowledge of the area, although their own practices and experience were used to illustrate points from time to time.

Analysis of the participants comments on the use of science in the MVCP reveals a concern regarding three prime themes: timing; trust; and interpretation. Some commented that research is never current enough: "I don't believe there is such a thing as reliable science because by its very nature any science is only reliable until some new science comes along to supplant what was there before." Others were concerned with the long wait for promised reports: "Of course with [the caribou study], that information wasn't available and we were forever waiting."

Another aspect of concern was the issue of trust: "There's got to be some relationship between reliability and trust. Those words go together.... If you trust the person [doing the research], then you'll accept the results." Others pointed out errors of omission or misinformation in the research reports, issues of peer review, methodology, how the focus of the research was determined, and the vested interest of the researcher. "Those people who have advanced degrees in the physical and natural sciences related to environmental research, if they're working for the Parks Service, not for a company who wants to do something evil in the park, I think they can be trusted to come up with the latest information."

Many participants expressed frustration with the interpretive aspect of the use of scientific information. Some commented that information was processed around the table according to particular beliefs and values. Most were particularly angry with respect to the tactical use of interpretation: "It seemed to depend on whether or not they proved your point whether or not it was considered reliable science." Some felt that other stakeholder groups used scientific findings to support their own position: "That was their main thing, to have reliable science. Because as soon as you have to use reliable science, then you have to close something down in order to study it.... But then we got reliable science and they threw it out the door! Cause let's face it, what's reliable science to me is not going to be reliable science to [others]."

Other aspects of power were also remarked upon, particularly those involving the political factors influencing Parks Canada decision-making:

> "Because Parks Canada is under the control of a minister who is a politician, who reports to the caucus, and whose party is essentially fed on campaign contributions, that's how you get what you want in a national park is to pay for it through campaign contributions. We realized that Parks Canada could not do a totally honest job in working this problem of the Maligne Valley out."

Power and control also manifested in the tactics and strategies used to assert stakeholder positions:

> Information sharing won't stop action by embarrassment. As long as it's about power rather than information and ideas, that's what's going to work. Embarrassment is a flexure of power. The power of environmental groups is to embarrass the government. No, the information sharing isn't going to change this, but, if part of the information sharing is the network of power relationships that control these things, then it might have a good influence."

> "Now there's a divide and conquer suspicion in all this. If you can get people fighting across the table, then the government makes a decision, 'well, we just had to do this because people couldn't agree.' And it tends to be a watered down decision that says, well, we don't want to get anybody that much madder at each other. We'll just kind of go with the status quo. And nobody's happy."

> "The hidden agenda for Parks Canada at the moment is to let tourism basically take over in the parks. We're all convinced of this."

There was also a concern raised that the regional and/or national levels of Parks Canada were in effect tying the hands of the local administrators and that therefore the recommendations of the Process were probably not going to be implemented or agreed to:

> "It's multi-tiered and there are so many levels above the Park level that the freedom to make decisions isn't always there because of the national or regional implications of agreeing to something that may be counter or contrary to the feeling of the national direction or policy, even though it might be the right solution in the park."

> "It's a big issue in this park and it"s being dealt with at the regional level and direction and approval is coming from the regional office.... So I'm not sure that the Maligne Valley Process would have had a free rein to deal with the river use issue, to come to some kind of agreement and conclusion on how its going to be done."

> "My expectations were none because of Parks political faction involved. So I expected nothing and I wasn't disappointed."

A few commented on the reluctance of those with power to give over to a consensus-building process:

> "It's hard to get people to commit to a process where they might actually end up agreeing to something they never thought about before. And it might not look like they've got as much power as they had. Especially when there's a lot of money involved."

> "When you live in a system with a government, in the face of all information to the contrary, [that] says that black is white and people seem to support them, how can you expect them in their everyday lives to totally give that up and say, 'yeah, OK. We'll kind of just go and get into this process and see where we get to.' ... The people who can impose their will on us aren't likely to give up that power to group decision making."

Relationships: Social Relationships

Despite the differences in approaches to consensus, the tactical wrangles and the polarity on the central issues and values of the Process, most participants were surprised to find that the social connections they made, often with those they disagreed with profoundly, were positive and strong:

> "I think one of the other strengths that has been achieved as a result of this Process is a much better understanding of other individuals that have been involved in the Process, a much better appreciation of why they believe what they believe, why they've taken the positions they've taken. I think there's a heightened level of respect for certain individuals and there's a lessened feeling of animosity towards others."

> "It was my first involvement with the other people in the room. It's different personalities and different ways of presenting cases and stuff."

> "There was a lot of different people involved in that Process. To me, I mean, it was really neat. I made some great friends, some new friends."

> "I had some preconceived notions about some people ... and I wasn't prepared to give him very much ground. And I wouldn't hesitate now. I know that [he's] going to start at that end of the table and I'm going to start at this end, but I know for a fact that he's there and he's listening and he's wide awake. And that I have less fear of him trying to stick handle around me now and I think he has less fear of me trying to do him wrong."

> "When we're sitting around, most of us enjoy each other's company, for the most part. [Some of the other participants] and I, we should be diametrically opposed in terms of where we're coming from, but we made plans to get a scotch club going out of this. And those kinds of things, which may not seem significant in and of the process, in terms of what we're trying to achieve, but if we were to sit, the three of us, in a small group meeting, where we should have been polar opposites, now we've made a bit of a connection."

This connection was particularly important given that Jasper is a small town and that many of the participants are involved in other community activities where they might encounter others from opposing interest groups:

> "I think the biggest thing that was accomplished is that we all got to know each other.... I don't agree with a lot of things that they think, but I at least got to the point where we weren't just neighbours anymore. We don't go for coffee, but I wouldn't hesitate to go and talk to one of them about something, whereas before I wouldn't be seen dead talking to one of them.... And I didn't know they were nice people. So getting to know a lot of the people, it diminished the adversarial thing that we had before. And that was the most positive thing for me. We just got to know each other."

> "That's the problem with a small town, there are so many cross-overs."

> "Yeah, it seems to me that in a small town that the one thing that keeps everyone in line is gossip and innuendo and in some ways, it's almost a good, a constraining thing in a way. If you're in a city, it's all very anonymous and ... you're probably not going to run into that person at the post office or your kids don't play hockey together or you're not on some other committee together, but here the lines just crisscross and everybody gets tied in somehow or another to each other. And it certainly affected how I responded to people in there. I've know everyone in there for quite a while and I'm sure I've brought in all kinds of old baggage."

> "These negotiations can get pretty tense sometimes and you still have to face this person in the grocery store. And that can be really difficult and stressful for people."

Other issues of relationships that participants experienced included disagreements between members of their own stakeholder groups, and the difficulty in establishing trust with other groups initially:

> "When you're a part of a group, and if you're the spokesman, the other members have to trust you that you're speaking on behalf of them all and your decisions is the direction the groups wants to go and so I felt there was a lack of trust, or mistrust, within groups."

> "Initially when we were exposed to it, it really seemed like it was going to work pretty well. And the only problem was trusting the other people.... We'd start making some ground with some of the people, a lot of give and take, then all of a sudden, back to square one. And that was the most difficult part of it."

This lack of trust led, at times, to a feeling of a lack of safety to speak out on issues:

> "I never felt that safe.... It seemed to me that somehow or another ... the facilitator would have had to create a very safe place to go into issues from and it never felt that safe in there for the really big things."

And yet the relationships that were established were helpful in creating a positive atmosphere for mutual learning and an open forum for discussion. This has led to some optimism that, regardless of the fact that closure was not reached and firm agreements were not negotiated for many central issues, perhaps the ground work has been laid for future discussions:

> "For me, there's whatever it is that's going to be written down on paper, but for me that almost isn't as important as the outcome of the people who were there and the relationships we have formed almost in spite of the whole process.... It's all that stuff in between the lines and all of the transitions and the relationships that have changed and just the whole gestalt of the whole thing that you can't capture on paper that for me is forever changed."

> "I think we can approach these people as individuals and say, 'can we sit down and discuss this. Let's bring in our legal counsels. Let's see if we can settle something outside of the courts.' And the Process has opened that door for us. They were closed. These things were shut and sealed tight before the Process kicked off."

Relationships: Feelings and Emotions

Many participants reported on the hostilities and antagonisms simmering beneath the surface of discussions during the MVCP. Feelings of frustration, anger, sadness, and fear coloured the proceedings. Unless these aspects of the conflict are addressed in the resolution process, an "unsafe" atmosphere is created:

> "You know if I'm running off and I've said the same thing a thousand times and I'm just sort of being a pain in the neck, somebody needs to just say that. But it was never safe to do that. Because the facilitators never did that. And so, there's only so much stress, in those sort of situations, that those of us who are participants can take on for ourselves."

> "[W]e weren't working on the big issues. We certainly didn't have the skills as a collective to get beyond it. It was very unsafe at times to try and do that sort of thing."

Participants also remarked on the personal nature of the hostility:

> "And it got nasty. One member in that ... group was calling me names and things like this."

> "We avoided the divisiveness. We avoided all of the difficulties except once where it seemed to me that the person moderating at that point broke all the rules that we had chosen and actually allowed there to be a bilateral argument of

> personal attacks and stuff and then everyone just pulled in horns and wandered off and wondered what had happened and we didn't get anywhere. But we seemed always just to skirt the big divisions. There didn't seem to be anybody with the vision who was in a position to be able to make the process work. To kind of get beyond that to say, 'we've got to sort out if we can't talk about this; we have to be able to figure out how we can talk about this.' "
>
> "And afterwards, this person, who I like very much, ... and I got a little testy toward each other. And all that went through my mind was, 'Shit. We went through all this. We didn't get [what we wanted] and now we have this slight grudge sitting there.' And when you're an adult, grudges last a long time. It will be probably years before this thing is finally 'let's not think about it' when we see each other. And that's sad. And in that sense not worth it to either of us to have had to go through it."

Some of the antagonism was directed towards members within one's own group, rather than those in opposing groups:

> And some of the people I had the most trouble with at the Process were people who were supposedly in my camp. And that became really difficult for me personally. I found it really frustrating because I felt we couldn't really sit down and talk as a group.... I feel that there wasn't a lot of trust in our group.... I don't know how much trust-building was done at the beginning of the Process, but I think it would be really necessary for people to trust each other."

The affective component of conflict resolution is one that is often overlooked or addressed only in the most peripheral of ways. As Robarchek (1997: 56) notes, however, "these powerful emotions can present the most formidable barriers to the restoration of social relations and, until these are resolved, it may be impossible to adequately address the others."

The role of the facilitator is critical in the transformation of these potentially damaging emotions and energy of the the group into the constructive and positive energy required for consensus-based dispute resolution (Parry 1991). According to Arnold Mindell, a professional facilitator of conflicts on both a personal and global scale based on martial arts precepts, the facilitator role is one of being aware and sensing the atmosphere as well as communicating this awareness to the group. He advises that "If we want to learn how to facilitate difficult groups, nature teaches us the way through its changing seasons of anger and love, egotism and compassion. The best interventions for a group in conflict are not those that the facilitator brings in from the outside but those that arise naturally out of the group's changing moods, tensions, emotions [and] roles" (1992: 51). In this way, Mindell concludes, a "self-balancing" characteristic of group process will become the motivational force behind the resolution of conflict.

What Went Wrong?

The central problem with the Process, according to interviews with participants, is that there was no agreement and therefore no closure on the process. Certainly, the difficulty in reaching closure rests squarely on questions of process. Many attributed this to the entrenchment of positions, too much personal conflict and the deep and long-standing nature of the hostilities. Value conflicts developed into entrenched positions and, although many advocated a moderation of these positions, the question remains as to where does one draw the line? How can the structural or procedural aspects of the dispute resolution process be designed so as to mitigate the entrenchment of positions? Further, although the relational aspects of the MVCP were generally thought to have been enhanced due to the awareness of shared environmental ethics, *these relational successes were not built upon or transferred to the agreement building phase of the Process.*

Consensus Building and Substantive Issues

The major plank of the collaborative process was the concept of consensus building. Although most participants stated that they had a good sense of what consensus building is about, some accused other individuals or groups of strategizing to scuttle agreement or to enhance their own position at the expense of others. Some were very disturbed by these behaviours and spoke of strained friendships, a rethinking of group involvement and outright anger between members of a stakeholder group. The irony of the Process is that consensus building itself became implicit in the tactical strategies of the participant stakeholder groups. One of the main accusations was that other groups were using participation in a consensus-building process to maintain the status quo. In other words, as long as the Process dragged on, nothing was either being developed or closed down in the Maligne Valley.

Acknowledged sharing of wilderness values around the table was very quickly subsumed by negative depictions of the strategies and positions of other groups. Concern was often expressed that Parks managers favoured one group's position over another's; these concerns were expressed across the spectrum. The singularly successful aspect of the Process, however, was the connections, communications and relationships made with members from groups holding positions that contradicted their own.

Despite many of the comments that expressed futility with the Process and the objective of consensus agreement on issues in the Maligne Valley, much of the embitterment and anger with the Process was over the fact that there was not going to be a continuing forum, nor a follow-up of the recommendations and the report to the Regional Office. (I am reminded of the Woody Allen joke about a society matron complaining about how terrible the food was at a resort in the Catskills. The other replies, "Yes, and such small portions too.") It would appear that despite concerns expressed over the futility of the consensus project, and the lack of personal will to continue with the Process, there was a fair amount of commitment to working through issues in the Valley, and perhaps throughout Jasper Park, with others with a similar commitment to the Process and to concerns of human activity in ecologically sensitive areas. Much of this frustration regarding the lack of commitment to post-Process follow-through could have been addressed if the Process had included an Implementation and Monitoring phase in the Process design.

The general problem of lack of consensus can be divided into three "feeder" aspects: time/efficiency; information flow; and leadership. Participants were frustrated with the timing of research reports; rarely was information available when they needed it. They also felt that too much time was spent on the Visioning process and the interminably protracted step of defining the terms used in the Process. Many also commented that there was too much "process work" up front, and that it took too long to get to the "meat and potatoes" issues. Some felt that personal conflicts took up a lot of time and that the polarity between groups led to a slow loss of direction for the Process. Comments were also made regarding the inefficiency of the Process, how material was not distributed in a timely fashion, or that time was wasted in fruitless discussion. The 2 1/2 year process was deemed to have dragged on seemingly endlessly, while efforts to develop a continuing forum failed. And for some, time was running out to save the environment from the impact of undesirable human activity. Other values, such as the importance of developing social relationships, would appear to work counter to the need for efficiency in the Process. The search for common ground is necessarily a protracted one, and positive interactions take time to mature. In some instances, the concern over the length of time devoted to the discussions directly contradicts the environmental value of appreciation of the timelessness of the natural environment and its enduring appeal. One, of course, would have to accept that there exists an immediate threat to the ecological integrity of the area in order to hold the hurry-up-and-save-the-environment perspective. Others expressed a certain urgency to provide appropriate services to visitors whose numbers are growing steadily.

Much of the problem with information flow was attributed to the lack of clear position papers from Parks Canada. Without a terms of reference document from Parks, the parameters of the discussion were too wide open, leading to confusion as to problem definition. Participants also commented on the lack of clarity on what was agreed to at prior meetings, again leading to confusion, and the lack of agreement between small group recommendations and the views of the larger group.

Similarly, with leadership problems, the participants expected Parks managers to take a more directive role, not only with position papers and parameters but also with a policy framework to guide discussions and the expectation of an end product more clearly defined at the beginning of the Process. Participants were not clear, even after several years in the Process, whether they were to take a more advisory or a more active decision-maker role. Many wanted more control of meetings, especially the "strong characters," by the facilitator, who was alternatively described as a "cheerleader," "shepherd," and "referee." The claim by Parks Canada that they were just another stakeholder group sitting at the table did not ring true with many of the other participants. This appeared hypocritical since, as the ultimate decision makers, they obviously came to the table with greater inherent power than the other stakeholder groups.

Process Issues

Participants noted that throughout the process, process and substantive issues became intertwined. Disagreements were expressed over what constitutes consensus-building, and often these arguments displaced or augmented the substantive concerns. Participants' remarks also pointed out a dichotomy between those who believed fervently in the importance of process and those who were more goal-oriented and stressed the need for agreements. One participant stated, "I don't care what the answer is. Because I don't think you ever get the right answer if you haven't looked at the process." The process did not serve the needs of the participants to find some common ground; either the timing was inappropriate; the parties too polarized; or the discussion too diffuse and in need of a strong focus. Others found the process too nebulous and were looking for specific goals and concrete agreements. Interestingly, some of the across-the-table connections had as their basis a strong agreement on the need to address issues of process.

Lack of communication of the mandate and lack of clarity in articulating the goals and objectives of the Process was also seen as a major processual issue. One participant commented that "there was no centre." Roles were not clearly defined, affecting both the continuity of the Process and the relationships between participants.

Relational Issues

With respect to relational issues, participants were more positive in their commentary. Many acknowledged that the Process was a good forum for discussion and mutual education, and that it allowed opposing parties an opportunity to talk together for the first time. The value of the Process, as many remarked, was that it provided a forum for different perspectives and knowledge for the discussion of the issues. Participants spoke highly of the good interrelations among the members of the small group meetings. On the other hand, many mentioned frustrations, anger and fear that went unexpressed during the Process. Some said that the antagonism and name-calling created an "unsafe" atmosphere for the communication of feelings and concerns, and that this type of hostility was not controlled by the facilitator. Although much of the hostility was of course directed at members of the opposing stakeholder groups, some of the more contentious and extreme divisions occured *within* stakeholder groups. This shaking of group identity and solidarity no doubt contributed to the "unsafe" feeling.

The confusion over roles in the Process, particularly the role of the decision-maker, created confusion in relationships at the table. Politics, lobbying efforts and the hierarchical structure of Parks Canada management were felt to be disruptive of true and honest group dialogue. Participants were unclear as to the authority they were entrusted with and were confused by the rhetoric of equality around the table.

Surprisingly, the Maligne Process had little impact on the community as a whole. Participants reported that friends were surprised that they were still involved with "that thing." Because the Process was closed to the public for the first two years, and therefore no first-hand reports appeared in the local paper (the "Booster"), residents were not able to follow developments. Jasper residents are preoccupied with the stress of daily living due to housing shortages and extension of relatively high visitor numbers into the shoulder seasons (fall and spring). This has traditionally been a time for "getting back to normal," a time for relaxing and visiting with friends and neighbours. As more and more services are required year round, formerly seasonal service providers are becoming full-time residents and housing prices are soaring. There are also fears that the Canadian National Railway terminal will be relocated, resulting in a loss of a stable income base and a community resource in the employees who have been long-time residents of Jasper. Provincial cuts to health care have threatened the community with hospital closure; residents have been galvanized and have put forward a strong lobby effort. But little of that energy has been expended on the opportunity provided by the Maligne Process for building community relations and resolving public conflict in constructive ways. The Process was not accessible to the public in that sense.

A Prism of Perspectives

Although the data above are presented in discrete categories, in reality, of course, ideas, perspectives and opinions are interwoven. Comments on language and discourse permeate the participants' responses and are not just confined to the remarks cited under "discourse" above. The legitimation of reliable science in the Maligne Process was equally fraught with problems of definition and interpretation. At the same time, issues of power and legitimation are also evident in discussions of social relations and material practices. Equally, as many participants noted, there are no easy correlations to be drawn between a particular stakeholder group and its perspective on process. Dissonance was found as much *within* groups as *between* them.

Another refraction of the prism is, of course, the interpretation of the observer to the Process. I witnessed the experience of a group of well meaning individuals who very much wanted to trust a process that held out a possibility for improved relationships and communication with fellow members of their community and for better decision-making for the Maligne Valley. In my view, the Process was a bitter disappointment to them. Quite obviously, the issue that was most central to their interests was not resolved, let alone addressed. The efforts to achieve consensus on other issues were thwarted as attempts at clear communication were mishandled by Parks Canada and an undercurrent of distrust developed. Quite clearly, the Process provided participants with an opportunity to build upon their initial enthusiasm for the positive relationships that were developing during the discussion of the issues. The procedural structure, however, did not provide for the formal fostering and development of relationship-building. Equally, it did not sustain a relationship between the Process itself and the larger public whose interests in the outcome of the decision-making process were represented at the table.

As Geertz has pointed out, interpretation is a web of interconnections rather than a line. The Maligne Valley Collaborative Process represents a refraction of views and perspectives which in data analysis are again intertangled in new ways in order to ask questions and interpret meaning. Chapter 6 examines this intertanglement; that is, the interdependence of the substantive, procedural and relational elements of the Process. Of particular interest for the development of a successful dispute resolution process is the way in which the relational element is a function of the procedural and structural underpinnings of the process.

Chapter 6

"Making Room" in the Maligne Valley

"There's the outcome and then there's the outcome. For me there's whatever it is that's going to be written down on paper, but for me that almost isn't as important as the outcome of the people who were there and the relationships we have formed almost in spite of the whole process."

— MVCP participant (1996)

Regardless of what criteria one uses, the Maligne Valley Collaborative Process cannot be declared a success. Although better relations now exist between participants, many of them are still entrenched in their original positions, the main issue was never discussed, a full Vision statement was not developed, for many, closure was not reached, the report of the Process has not yet been approved by Parks Canada administrators, or signed by participants, and many of the recommendations of the participants have yet to be implemented (see Epilogue). An advisory body was never struck and Parks' approach to the issues in another part of the Park, the Tonquin Valley, has been more controlled, more of a consultative than a collaborative process. Participants are burnt out and embittered.

This chapter provides an analysis of the Maligne Valley Collaborative Process, applying Gulliver's (1979) cross-cultural model and Darling's (1996) process framework as templates for assessment of the procedural and relational aspects of the Process. A set of guidelines for enhancing anthropological contributions to the field of conflict resolution is given, based on the findings of the research project. The analysis concludes with an examination of the role of ethnography in illuminating the cultural basis of dispute resolution processes.

Assessing the Maligne Valley Collaborative Process

Problems with the Maligne Collaborative Process can be considered in two different, although interrelated, ways: on the one hand, there were major inconsistencies and lapses in judgement in the way procedural aspects of the process were addressed with the resulting design flaws leading to frustration and anger on the part of many participants; on the other hand, relational aspects, including the frustrations as well as issues of trust, were not attended to. Although these aspects are discussed separately below, it is critical to the success of consensus-based processes that these elements be interwoven throughout the dispute resolution process.

Process Considerations in the MVCP

The central process failure of the Maligne Valley Collaborative Process was that of leadership, both on the part of the facilitator and of Parks Canada. Although ostensibly, in a shared decision-making environment, participants are responsible for the design and process agreement, it is the ultimately the role of the facilitator to ensure that the group has addressed and understood the essential elements of process design. Similarly, although Parks Canada stakeholders considered themselves as just another participant group around the table, other stakeholder groups became frustrated with the lack of clarity of the role of Parks representatives and expected more direction in terms of Parks Canada's position on the issues and greater elaboration on the mandate of the Process — which, as noted in Chapter 5, was expressed broadly as "the Maligne Valley." Participants would also have benefited from increased input into information gathering for their decision-making and were at many points in the Process hampered by the lack of information or the timing and availability of information. Again, both the facilitator and Parks Canada had a leadership role to play in encouraging joint design of research programs in order that participants have input into the research questions that were to be addressed. This should have occured very early in the Process so that reports could have been available when required. Funds should have been available commensurate with the scope of the research required. Without sufficient resources, the decision-making process is hampered.

A critical consideration for both procedural and relational aspects of a consensus-based dispute resolution process is the joint negotiation of a process design and agreement. As Craig Darling (1996) notes, the purpose of the process design phase (see Figure 6.1) is to create a suitable forum for decision-making and a supporting process, to help nurture an atmosphere of trust and co-operation, to select a mediator/facilitator, and to reach agreement on the conditions for discussion. In addition, the parties should jointly design the terms of reference for the process, develop a procedural framework and negotiating agenda and agree on the technical information requirements, as noted above.

The MVCP Collaborative Process Guidelines, ratified at the September 1994 meeting, addressed many aspects of process design, but were not comprehensive enough to serve as an adequate structural tool for the Process. The purpose of the Process, for example, described as "to discuss and come to consensus on the appropriate future of the Maligne Valley" was, as many participants remarked, far too broad a mandate. Discussion was too diffuse, and frustrations mounted as Parks appeared to avoid the responsibility for providing a clearer focus. Similarly, the sole statement describing the role of the facilitator — "the facilitator will serve at the pleasure of the group" — required elaboration. The major lacuna in the Guidelines, however, was the absence of a work plan and detailed timetable. The Guidelines refer to "an interim strategy for input to a wider constituency" that was to be produced by December 1994, but does not provide details as to what was to be included in such a strategy or any specifics regarding how the strategy was to be developed.

Darling (1996: 120) admonishes that "The parties must agree on procedure prior to negotiating substantive issues. If the participants cannot agree on procedure, it is unlikely that they will be able to make progress on substantive matters." Figure 6.1 reproduces Darling's process framework, showing the Process Design phase.

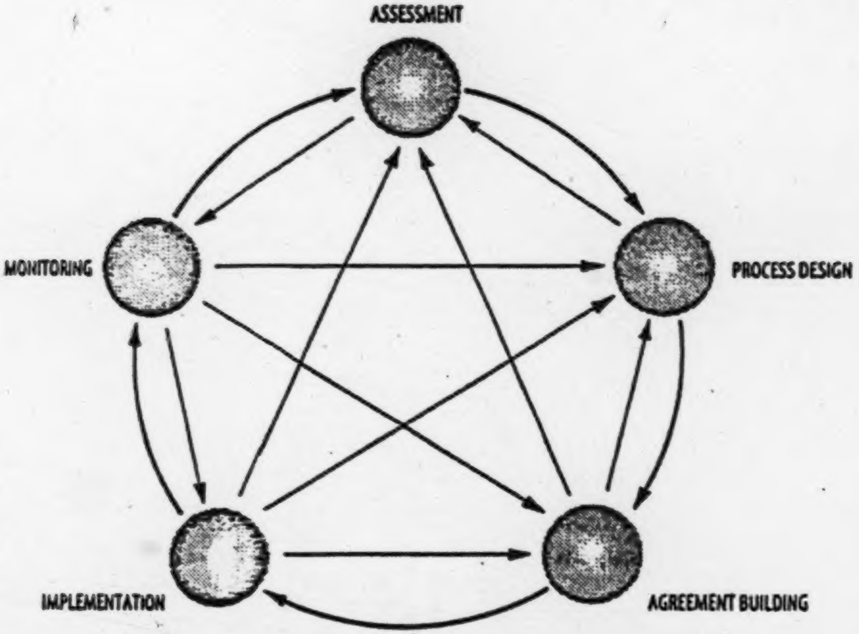

Figure 6.1 Process Framework showing Process Design phase

Although within the "pentalectic circle" framework developed by Darling, the group may find that it becomes necessary to return to the Process Design (or any other) phase in order to address aspects that require revision, in the MVCP, this phase was revisited repeatedly, and is an indication that these considerations were not adequately dealt with at the start of the Process. A review of the Maligne Process (Figure 6.2) shows that although there was an initial emphasis on Process Design, primarily on the structure of the representation at meetings, and on the ground rules, which were established roughly six months into the process, the inadequacy with which these process design elements were addressed meant that they required repeated revisiting.

DATE	PHASE	DESCRIPTION
March 1, 1994	Assessment Process Design	- explore possibility of collaborative approach -look for a new way of relating - facilitator hired by Parks
March 18	Process Design Assessment	- agree on Process boundaries - agree on constituencies and representatives
April 29	Process Design	- establishment of process structures
June 3	Agreement Building Process Design	- sharing of vision/interests - agree to use "reliable science" - nurture co-operative negotiating climate

June 16	Agreement Building Process Design	- sharing of visions/interests - summary of common elements in visions - generation of mechanisms for resolving differences - how to accommodate general public
July 25	Agreement Building	- preliminary definition of terms
August 4	Process Design	- issue of confidentiality - media communication strategy
September 26	Process Design	- revised ground rules - research needs identified
October 26	Agreement Building	- draft Vision statement
November 14	Agreement Building	- definition of terms - tentative agreement - agreement on "Points of Agreement" (Vision) - information gathering - projects underway
November 28	Process Design Agreement Building	- review of ground rules - definition of terms - finalized - information gathering - caribou study
December 15	Process Design Agreement Building	- review of ground rules - nurture co-operative climate - discuss small group formation to develop assessment criteria - information gathering
January 10, 1995	Process Design Agreement Building	- shift to U-shaped formation - subgroups formed to discuss criteria
February 13	Process Design Agreement Building	- small working groups formed - defining assessment criteria - applying to activities
March 9	Process Design Agreement Building	- nurture co-operative negotiating climate - definition of terms (sustainable tourism) - defining assessment criteria
March 22	Process Design Agreement Building	- nurturing co-operative climate - agreement on projects for small working groups - assessment criteria
April 18	-	- no facilitator
June 13	Agreement Building	- small group reports
October 24	Assessment	- agree to continue with Phase II - renew commitment to Process
March 11, 1996	Process Design Agreement Building	- renewal of mandate and purpose of Process - assessment criteria - issue identification

April 15	Agreement Building	- small group reports
May 13	Agreement Building	- small group reports
June 3	Agreement Building	- small group reports

Figure 6.2 Description of Phases of Maligne Valley Collaborative Process

Relational Considerations in the MVCP

Philip Gulliver (1979) was among the first to champion a process-based approach to models of dispute resolution and also to argue for a circularity of the process (See Figure 2.2). In fact, recent anthropological commentary on cross-cultural negotiations employs his model as a base for its analyses (Caplan 1995). Moore (1995) notes, however, that Gulliver's model assumes that a settlement will be reached and that his focus is selective in that "his engagement is entirely with the internal sequence" and the "rhythmic way the interaction proceeded to the result" (29). She argues that Gulliver does not incorporate the feelings engendered by the negotiations nor the specter of the failure of the process.

Moore (1995: 17) argues that Gulliver, although he was aware of the potential for breakdown in negotiations, does not incorporate the emotional aspects that are engendered by this potential:

> One has the sense in reading ... Gulliver that ... the process of debate and negotiation is treated as an intellectual problem, rather at arm's length, not as what may be a highly charged confrontation. Yet the emotions stirred by a threat by one party to leave the negotiating table can be incendiary.... To come to the table at all may be a considerable concession and may carry personal and political risks for the negotiators. In those circumstances the problem of keeping the protagonists talking constructively is not a trivial matter. Exclusive attention to a process that is bound to culminate in agreement omits this riskier dimension. It omits the secondary consequences that anger can have.

Moore notes that Gulliver does, in his description of "dominant dispositions" (see Figure 2.2), refer to the emotional states of the negotiators, but she maintains that "he seems to be talking about controlled strategic display of emotion" (17) rather than the "incendiary" feelings that for Moore are an inevitable by-product of the threat of negotiation failure.

In addition to Moore's depiction of the risk element of negotiation breakdown and the strong feelings it engenders, strong emotions also develop as a result of other elements of the dispute resolution process. For example, frustrations over inadequate commitment to and clarity of process design can lead to lack of trust both in the process and in other participants, as noted above.

Holding a consensus-based negotiating process with only pragmatic goals is not enough in and of itself to bring about the transformation of individuals or groups from an adversarial, confrontational mode to a co-operative, collective and community-based one. The "hold-it-and-they-will-co-operate" approach has not proved fruitful here or in other similar process failures (Darling 1991). Consensus training through video or remonstration, no matter how well intentioned, will not alone serve to convince "intransigent" participants to behave co-operatively.

Participants spoke of the need for the process to address questions of "safety." They also remarked that, ironically, participants' views of process tended to bring opposing parties closer together while simultaneously creating rifts within one's own group. While, certainly, polarization on the substantive issues remained one of the main divisive factors, one can conclude from participants' remarks that the way in which relational issues are addressed by aspects of the process and the way in which process design is negotiated has a weighty effect on the outcome. Critical to the success of the process is the inter-connection between procedural and relational aspects of the negotiation process.

According to Peter Senge (1990; 1994), a contemporary guru of the organizational management field, the key to successful groups is that they develop the skills of "learning organizations," "where people continually expand their capacity to create the results they truly desire, where new and expansive patterns of thinking are nurtured, where collective aspiration is set free, and where people are continually learning how to learn together" (1990: 3). In order to build the learning organization, Senge advocates that members adopt two key ways of thinking: first, systems thinking emphasizes the interconnectedness of people who work together in groups and the necessary reliance on shared values and goals that this type of thinking generates; secondly, in order to foster this interconnectedness, an openness based on honest dialogue of feelings, needs and concerns is required.

These two key approaches to the building of a learning organization can be freely adapted to the "organization" of a collaborative process, both within the group among the participants, and in the group's relationship with the larger community. Systems thinking, in this application, rests on the development of an awareness of the interrelationships between participants, how their needs and goals are dependent on shared principles, vision and values. Honest and open dialogue between participants is the essential tool or strategy for fostering this awareness of interdependence, and is a skill that can be learned and honed with practice, and with opportunity.

The world view of Western communities is strongly influenced by a history of the Cartesian philosophical plank of logical dualisms and of industrial capitalism's legacy of alienation from and fragmentation of community. Direct application of non-Western models to Western conflict situations, therefore, would not be appropriate. Non-Western models are culturally specific responses to the needs of communities that have traditionally conformed to the Durkheimian concept of "mechanical solidarity" and whose philosophies have historically emphasized relational, or systemic, precepts.

From the non-Western models depicted in Chapter 2, however, it is clear that a relational aspect can be incorporated into Western process design: prayers, "setting the climate," and communicating forgiveness allow participants to address the relational aspect of conflict in a formalized way during the dispute resolution process. In addition, some of the techniques for encouraging feelings and concerns, such as a talking stick or stone to encourage active and responsible listening, storytelling and ritual (e.g., meals, opening and closing circles), ensure that these procedural "windows" for building trust and co-operation among the parties are successful. For example, some processes may result in mediators and parties deciding that a circle check at the beginning of a meeting sets the tone:

> Our group likes to start its meetings by going around and letting everyone share something positive that's happened recently in their lives. It gets us off on the right foot. I guess it's a way of remembering that we don't just exist for the work we do together, and it certainly brings in the people who are shy and sometimes hold back from participating. For them it breaks the ice (Lakey *et al.* 1995: 121).

Storytelling is a valuable tool to communicate values, feelings and perspective to other parties (LeBaron Duryea & Potts 1993; Cobb 1993). Or parties may be comfortable with periods of silence or meditation. Regardless of the tool used to enhance true dialogue, participants must be able to trust that a) the guidelines or protocol for the process create a structure for respect for others (i.e., that they discourage interruption, name-calling, shouting, etc.) and b) the purpose or content of the dialogue be the expression of feelings, needs and concerns. A singular focus on interests, positions and issues, without addressing the values, assumptions and emotions underlying the surface talk, will result in frustration on the part of the participants, who naturally feel that they are not able to express their truth to the group. The critical element of relationship-building is the emphasis on honesty, feelings and trust. One of the main concepts that participants referred to in their commentary is that of *trust*. They spoke of the need to trust the scientific research and to trust the sincerity of Parks in holding a collaborative process, and of the trust that had to be built among themselves in order to discuss issues in a safe and honest manner.

The relational aspect should also be emphasized at the end of the process to formalize group closure — a feature that most participants commented was missing from the MVCP. A heartfelt sharing of participants' evaluation of the process would provide a vehicle for expressing positive and constructive feelings about the group's accomplishments, and for expressing needs and concerns that were unmet by the process. With the closure that relational connectedness brings, parties can then leave their "liminal" state and return to the community to share their new found knowledge.

As often occurs in group work, the agreement on how dialogue will take place often develops after discussion of central issues is well under way. This dynamic iteration of process phases is natural, and as much as there is a pull towards goal or outcome-centred linearity, there is also a more fluid dialectic in which the creative tension of the moment results in a to-and-frowing from one phase to another, sometimes in rapid succession, as was noted by Gulliver (1979) in his description of the circularity of movement in dispute resolution from "antagonism" to "co-ordination" and in Darling's process framework.

As noted above, where the Maligne Process departs from Darling's process framework is that sustained efforts to promote the development and nurturing of trust and co-operation did not occur until the Process was into its second year, rather than during the Process Design phase. Further, the nature of the relationship-building was such that it was more a prescription on the part of the facilitator, rather than an organic process in which a fostering of respect and trust was allowed to develop. Thus the Vision process, rather than being an opportunity for the sharing of one's "story" of the Valley, became a game of strategy in which the definition of terms stood in for position-based debate over the issues.

Another problem with the MVCP was the lack of opportunity to capitalize on the positive relational benefits that were generated during the Process. Specifically, the Visioning process provided an occasion for developing positive relationships in order to support the quest for agreement on a shared vision. Some focus on the assumptions held by those advocating a certain definition of "sustainable tourism," for example, could have shifted the locus of discussion from the defence of vested interests to the sharing of values and feelings, and honest dialogue concerning fears and hopes for the Maligne Valley.

Similarly, the Process did not provide opportunities for the examination of the wider ramification of relationship-building within the group for the larger Jasper and, indeed, national and international community. Closure of the Process to the public during Phase I effectively quashed any potential for larger community empowerment in JNP management decision-making. An evaluative discussion at the end of the Process, if carried out with the goal of honest community dialogue, could have served to consolidate the accomplishments in the area of relationship-building and to bring them to the attention of the wider community. The lingering distrust and fearfulness of the Process and its lack of success in terms of outcomes, despite some strides taken in establishing connections with other stakeholders, has resulted in a decided rejection of consensus-building as an option in environmental decision making in JNP. Perhaps with truthful dialogue concerning the feelings and concerns of the participants to the MVCP, the openness of that dialogue, as well as the substantive comments, could have renewed faith in the consensus-building approach.

Guidelines for Consensus-based Dispute Resolution

Although Gulliver's model provides a starting point for an understanding of the application of consensus-based approaches to public policy dispute resolution, as noted above, its limitations result in a singular focus on the internal structural aspects, rather than the complexities identified by "thick description" ethnographic work. This dissertation research has addressed this gap through an examination of the interrelationships between these structural aspects and the relational elements of a dispute resolution process. In this spirit, the following guidelines to applied work in ethnographic dispute resolution are offered:

Guidelines for Consensus-based Dispute Resolution

1. *Leadership* — the key principle of leadership in round table work is that, although the facilitator/mediator is the nominal leader in terms of process concerns, the ultimate responsibility for leadership rests with those participating in the circle. Thus

leadership is rotated; as the process unfolds, this role will pass to the most appropriate individual or stakeholder group.

2. *Responsibility* — as for leadership, the responsibility for the integrity and quality of group work rests with those holding the rim of the circle. Each stakeholder group and individual is charged with equal responsibility for upholding the process guidelines agreed to by the group, and for assuming the leadership role when applicable.

3. *Decision- making mechanism* — with the leadership of the facilitator/mediator, the group must identify and ensure full understanding of consensus-building techniques and philosophy. The group should be made aware that all aspects of the process design, as well as agreement building, phases of the process are included in the shared decision-making approach and that consensus principles apply.

4. *Scheduling and Work Plan* — specifics of the timing of the work to be undertaken should be determined by the group during the process design phase. This plan should be as comprehensive as possible, although with an understanding that change is inevitable in group process work and that flexibility is inherent in any planning or scheduling.

5. *Facilitator/mediator role* — the process leadership provided by the facilitator/mediator is critical to the successful interweaving of the procedural and relational elements of the dispute resolution process. It is critical, therefore, that parties have the opportunity to participate in the selection of the facilitator. The role of the facilitator/mediator must be clarified at the beginning of the process, to the satisfaction of all participants. The facilitator should act on the principle that the vision, structures and outcomes of the process must be aligned. Finally, the facilitator must attend to the elements of successful dialogue: participants must have an opportunity to tell their stories and feel heard and respected.

6. *Project mandate/parameters* — clear identification of the project mandate and parameters, while subject to negotiation by the parties, will necessarily fall under the aegis of the decision-maker. Strong leadership from the decision-maker will provide the other stakeholder groups with information and direction that will assist in problem/issue identification and with the scheduling of the work plan for the process.

7. *Protocol guidelines* — all members of the group must agree to a set of behavioural guidelines that they believe will result in productive dialogue among the parties. Behavioural guidelines will usually address the values that the group maintains, either implicitly or explicitly, that underlie these guidelines such as honesty, trust, inclusively, suspension of judgement and awareness of the need to take responsibility for adherence to the guidelines. While the facilitator must show leadership in ensuring that the protocol guidelines are adhered to, it is the shared responsibility of all parties that they be respected.

8. *Information-gathering*— parties must have the opportunity to participate in the design of research projects that support the information needs of the process. This participation can take the form of identification of research questions through to actual data gathering. Parties must reach an agreement on the criteria for "reliable science" while recognizing that scientific data is not entirely objective. Provision must also be made for the incorporation of lay and traditional knowledge into the decision-making process.

9. *Financial resources* — funding for the project must be adequate for the scope of the undertaking. Provision should also be made for ensuring the inclusion of stakeholders that might otherwise not be able to participate.

10. *Process Agreement* — a process agreement that clarifies many of the elements identified in these guidelines must be negotiated. Again, the facilitator should show leadership in identifying items for inclusion and in ensuring that the document is comprehensive. Further, it is the facilitator's role as well as the parties' responsibility to remind participants of the need to respect and uphold the covenant between them.

While these Guidelines are not exhaustive, they speak to the central procedural and relational aspects of a consensus-based process that must be addressed in order that the process provide an opportunity for successful decision-making and agreement.

Ethnography and Dispute Resolution

Pat Caplan (1995) in an edited volume on anthropological approaches to dispute resolution, maintains that ethnography is central to an analysis of how disputes arise and how they are subsequently handled. One of the main functions of ethnography is to ascertain the power and social context of disputes and to identify the norms that underlie a particular dispute resolution process. But ethnography also provides essential historical context to the dispute, enriching our understanding beyond the unfolding drama of contemporary actors. In addition, the interpretation of discursive and ideological practices of disputes provide greater insights into the meaning they have for cultural actors. For these reasons, Caplan argues that disputes can be seen as keys to ethnographic understanding.

The study of consensus- based approaches to conflict resolution is an emerging sub-field in applied anthropology. Wolfe and Yang (1996) identify three major contributions that anthropology can make to conflict resolution: anthropologists can locate potential conflicts, detect early warning of barriers to communication and identify developing bottlenecks in resource allocation. The main goal of these anthropological contributions is to assist in avoiding violence by fostering peaceful and harmonious resolution to conflict. They suggest several areas in which anthropological attention is required:

- internal armed conflicts
- clash of civilizations
- environmental degradation
- early warnings of coming crises
- roles for nongovernmental organizations in development
- integrating grassroots and power-based levels of social and political interaction
- developing a positive orientation toward integration and cooperation instead of focusing on conflicts
- the prevalence of violence in the United States
- the application of network models to the study of conflict and conflict resolution.

The range of potential application of consensus-based approaches to conflict resolution includes fields as diverse as health care practice and service delivery to business, education, government and law and local, regional and international planning and development and, of course, for public participation, including indigenous groups, in the management of parks and protected areas.

Implications of Findings

The modification of Gulliver's model through the ethnographic examination of the contextual elements of the MVCP which suggests that participants not only required more clarity regarding the procedural aspects, but also an acknowledgement of the relational issues that arose during the Process, elements missing from Gulliver's model. As the discussion of non-Western models of dispute resolution in Chapter 2 show, this element is potentially more significant in a cross-cultural application of Gulliver's model.

To some, greater attention to the relational elements of dispute resolution holds great promise for the transformation of community from its current fragmented and disconnected state to a more connected community that upholds principles of social relations and community governance. Dukes (1996) argues that these aspects of public conflict resolution — values, social relations and community building — are transformative of both community and its means of governance. He maintains that the shift to transformative public conflict resolution is rooted "in a critical assessment of society that recognizes the fundamental problems which are the legacy of modernity" (1996: 8). These problems are divided into three broad categories:

1. disintegration of community and the relationships and meaning found in community life;
2. alienation from the institutions and practices of governance;
3. inability to solve public problems and resolve public conflict.

The challenge for public conflict resolution, according to Dukes, is to nurture an engaged community, a responsive governance and a capacity for problem solving and conflict resolution. The transformative approach to conflict resolution, then assumes a pre-existing state of postmodern fragmentation, the resultant legacy of industrial capitalism. It advocates relationship-building to heal the rifts of modernity, and bases this prescription on a world view that presumes a systemic model of social life, with its inherent relational component, and a processual approach to social change that manifests as a dialectic between the relational elements in the system (Harvey 1996).

What is the potential for transformation of community through public participation in problem solving and conflict resolution? Admittedly, at this time the paradigm shift from representational to participatory democracy has not occurred, and rumblings are heard mainly from the margins. But those anthropologists who are becoming increasingly involved in applied work with protracted conflict and negotiations should be aware that these disputes can be central to an ethnographic understanding of the shifting relational components of community and the impact that these disputes have on the structural and relational aspects of community governance.

Conclusions

This study has examined the participants' observations of their experience of a dispute resolution process. Despite the misdirected goals and feelings of lack of agreement and closure to the Process, it served as a means to address some serious dissatisfactions with key social structures and institutions: the legal system and institutions of governance. Implicit in their initial enthusiasm for participation and in their disappointments with the Process, particularly the role that Parks Canada played, is both a critique of the status quo decision-making, a desire for alternatives to litigation, and at least a modicum of optimism that consensus-building is a welcome process for addressing these dissatisfactions. Participants became aware that, for the most part, the other stakeholder groups do not hold the extreme positions that they had anticipated. As a result, they appear to be making a little more room in the Valley and around the table for other activities and perspectives.

For the participants, the Maligne Valley Collaborative Process was an exercise in a new approach to public involvement in environmental decision-making. For many, it was an exercise in frustration. But it was also an opportunity to make connections with those from other stakeholder groups with whom they had never spoken before. Some gained new appreciation for the difficult position that Parks managers are in: how they need to keep up with the latest information; how they are often required to make decisions without enough information; how the bureaucracy is demoralizing for those that work there.

But on the whole, it would appear that consensus building was just another, albeit long and frustrating, moment in the process of getting one's position heard by Parks managers. Some saw its unique opportunities for the transformation of the way in which they as stakeholders could engage in participatory dialogue with the decision-maker, but most were distrustful of the process. The application of the values of timeliness and efficiency — values that permeate technocratic decision-making — to the consensus-building process perhaps resulted in misdirected goals for the Process. Expectations were not great that the Maligne Process would result in a better, more inclusive and trusting process of decision-making. None of the participants reported any such expectations when asked in the interviews.

Somewhere in the Process, however, expectations were kindled that agreement would be reached on the issues under discussion and that the participants would be accorded the respect of an equal partner to those agreements. Most were disappointed that this did not happen. The huge investment of time and energy certainly would have exacerbated those expectations. Perhaps most indicative of the confusion over direction and goals for the Process is the bafflement surrounding the fact that the Harlequin duck issue was never discussed at the table. Some felt that because this issue was before the courts, that the parties to the lawsuit could not reveal elements of their case during the Process. Others thought that the issue was not discussed because the research reports were not available on time; a few suggested that the facilitator, in conjunction with Parks, kept the issue from the table for some reason. Others expressed concern that the issue was just too polarized and too "big" for the group to handle, that their consensus-building skills were not well developed and that they ran out of time at the end of the Process. Amazingly, the frustrations experienced by participants who wanted to discuss the issue of river use were never brought out in the open; concerns and needs remained simmering below the surface and affected the potential for fruitful and honest dialogue with other aspects and issues of the Process.

One of the major limitations of this study is that it is confined to one case study; undoubtedly similar studies of other consensus-based processes might reveal a different set of participant concerns. This is particularly probable in cases where cultural diversity of participants is a factor. Equally, issues of gender, age, religion and other sub-cultural factors in diversity of participants could lead to quite different concerns being expressed. Indeed, participants of other ethnic backgrounds may not find the concept of a transformational model persuasive, or may find the direct nature of Western negotiation styles inappropriate. Further study of culture and conflict resolution — surely an apt subject for cultural anthropology — is required to further our understanding of the importance of cultural values and beliefs in the determination of negotiation protocol.

Attention to the above Guidelines in a cross-cultural context will of necessity take on varying forms and emphasis. Their application, however, to applied research in global development , parks and protected area planning and management and other local and international issues of public policy decision-making will result in an increased focus on the interdependency of procedural and relational aspects of consensus-based dispute resolution. By addressing relational concerns through procedural means, the Guidelines allow for flexibility in incorporating a culture of conflict — the needs, fears and concerns that develop along the fault lines of social relations. Such processes can provide the community with an opportunity to strengthen social networks through taking collective action to address shared concerns. By emphasizing the elements of process that result in improved relations and honest and comprehensive dialogue, the community will be fostering a climate in which members can learn to "make room" for others.

Epilogue

Ducks on the Maligne River in Jasper National Park just got a little luckier.
— J. Wood, *Edmonton Journal* (1998)

Since the completion of my field research, there have been two main events affecting the situation in the Maligne Valley. First, Parks Canada has put together a report of the recommendations of the Process and updated those that have been implemented (Appendix 7). Although some of the monitoring activities have been implemented (caribou count, traffic counters, water testing) and the Brewster Chalet project is well underway, at the time of the update (June 1997) several of the recommendations were constrained by "budget availability." Despite the good intentions implied by the statement that "Jasper National Park could still convene the MVCP participants to provide input into specific issues," to my knowledge this has not happened. Senior management remains reluctant to undertake any consensus-building exercise.

Secondly, Parks Canada has permanently closed the middle section of the Maligne River (between Medicine Lake and Maligne Lake) to *all* watercraft (Wood 1998). This closure provides protection to the Harlequin ducks throughout its breeding cycle. Although the May/June closure protected the ducks during the early part of the cycle, when the hens require lots of nourishment and sleep, this recent decision also protects the new chicks after they have been hatched. Needless to say, environmentalists are very pleased with the closure and whitewater rafters are not. The Jasper Professional River Outfitter Association, representing the rafters, is pursuing legal action. Although Parks Canada had put forward four options for public comment, ranging from closure to keeping the status quo, fourteen of the nineteen submissions favoured complete closure.

As of the 1999 season, the Maligne River will be closed to all activity.

Works Cited

Agee, James K. & Darryll R. Johnson. 1988. *Ecosystem Mangement for Parks and Wilderness.* Seattle and London: University of Washington Press.

Ahmed, Akbar S. & Cris N. Shore eds. 1995. *The Future of Anthropology*. London: Athlone.

Altheide, David L. & John M. Johnson. 1994. Criteria for Assessing Interpretive Validity in Qualitative Research. In *Handbook of Qualitative Research.* Norman K. Denzin and Yvonna S. Lincoln (eds.), 485-99. Thousand Oaks, CA: Sage.

Arnstein, S. R. 1969. A Ladder of Citizen Participation. *Journal of the American Institute of Planners* July: 216-24.

Askins, Renée. 1995. Releasing Wolves from Symbolism. *Harper's Magazine* April: 15-17.

Asquith, P. 1996. Japanese Science and Western Hegemonies: Primatology and the Limits Set to Questions. In *Naked Science: Anthropological Inquiry into Boundaries, Power and Knowledge.* Laura Nader (ed.)New York and London: Routledge.

Auerbach, Jerold S. 1993. *Justice without Law*i Oxford: Oxford University Press.

Avruch, Kevin, Peter W. Black, and Joseph A. Scimecca (eds.). 1991. *Conflict Resolution: Cross-Cultural Perspectives.* New York: Greenwood Press.

Barber, Benjamin. 1984. *Strong Democracy: Participatory Politics for a New Age*. Berkeley: University of California Press.

Beck, Ulrich. 1992. *Risk Society: Towards a New Modernity*. London: Sage Publications.

Bohannan, Paul. 1957. *Justice and Judgment among the Tiv*. London: Oxford University Press.

Bohannan, Paul and Mark Glazer eds. 1988. *High Points in Anthropology, 2nd edition.* New York: McGraw-Hill.

Borgmann, Albert. 1992. *Crossing the Postmodern Divide.* Chicago: University of Chicago Press.

British Columbia Round Table on the Environment and the Economy. 1994. *Local Round Tables: Realizing their Full Potentia*, Commission on Resources and Environment, Fraser Basin Management Program and National Round Table on the Environment and the Economy.

Brunk, Conrad, Lawrence Haworth, and Brenda Lee . 1991. *Value Assumptions in Risk Assessment: A Case Study of the Alachlor Controversy.* Waterloo: Wilfred Laurier

University Press.

Bush, R. & J. Folger. 1994. *The Promise of Mediation: Responding to Conflict Through Empowerment and Recognition.* San Francisco: Jossey-Bass.

Caplan, P. ed. 1995. *Understanding Disputes: The Politics of Agreement.* Oxford and Providence RI: Berg Publishers.

Chambers, Erve. 1989. *Applied Anthropology: A Practical Guide.* Prospect Heights, Ill.: Waveland Press.

Clarkson, Pete. 1995. *Harlequin Duck Fact Sheet.*

Clayton, Susan. 1996. What is Fair in the Environmental Debate? In *Current Societal Concerns about Justice.* Leo Montada and Melvin J. Lerner (eds.), 195-211. New York and London: Plenum Press.

Cobb, Sara. 1993. Empowerment and Mediation: A Narrative Perspective. *Negotiation Journal* 9, no. 3: 245-59.

Colson, Elizabeth. 1960. *Social Organization of the Gwembe Tonga.* Manchester: Manchester University Press.

Coser, Lewis A. 1956. *The Functions of Social Conflict.* New York: The Free Press.

Cothern, C. R. An Overview of Environmental Risk Decision Making: Values, Perceptions and Ethics. In C.R. Cothern (ed.), 37-67.

Cothern, C. Richard. 1996. *Handbook for Enviornmental Risk Decision Making: Values, Perceptions and Ethics.* Boca Raton: CRC Press.

Cronon, William ed. 1995. *Uncommon Ground: Rethinking the Human Place in Nature.* New York and London: W.W. Norton.

Darling, Craig R. 1991. *In Search of Consensus: An Evaluation of the Clayoquot Sound Sustainable Development Task Force Process.* Victoria, B.C.: UVic Institute for Dispute Resolution.

DeSario, Jack & Stuart Langton. 1987. *Citizen Participation in Public Decision-Making.* Westport, Conn.: Greenwood Press.

Dukes, E. Franklin. 1996. *Resolving Public Conflict: Transforming Community and Governance.* Manchester and New York: Manchester University Press.

Dukes, Frank. 1993. Public Conflict Resolution: A Transformative Approach. *Negotiation Journal* 9, no. 1: 45-57.

Duryea, Michelle LeBaron. 1992. *Conflict and Culture: A Literature Review and*

Bibliography. Victoria, B.C.: UVic Institute for Dispute Resolution.

Environment Canada, Canadian Parks Service. 1988. *Jasper National Park: Management Plan*, Minister of Supply and Services Canada, Ottawa, Canada.

Evans-Pritchard, E. E. 1940. *The Nuer: A Description of the Modes of Livelihood and Political Institutions of a Nilotic People*. New York and Oxford: Oxford University Press.

Evernden, Neil. 1985. *The Natural Alien: Humankind and Environment*. Toronto: University of Toronto Press.

Fisher, Roger, and William Ury & Bruce Patton. 1991. *Getting to Yes: Negotiating Agreement without Giving In*. New York: Penguin Books.

Forster, Merna M. 1979. *Maligne: Valley of the Wicked River*. Ottawa: Minister of Supply and Services Canada.

Geertz, Clifford. 1966. *Agricultural Involution: The Process of Ecological Change in Indonesia*. Berkeley, CA: University of California Press.

——. 1973. *The Interpretation of Cultures*. New York: Basic Books.

——. 1983. *Local Knowledge: Further Essays in Interpretive Anthropology*. New York: Basic Books.

Gibbs, James L. 1963. The Kpelle Moot. *Africa* 33, no. 1.

Giblin, James & Gregory Maddox. 1996. Introduction. *Custodians of the Land: Ecology and Culture in the History of Tanzania*. James Giblin and Isaria N. Kimambo Gregory MaddoxAthens, Ohio: Ohio University Press.

Gibson, Virginia V. 1996. *Resources, Conflict and Culture: The Sour Gas Plant Dispute between Unocal Canada and the Lubicon Cree Nation*, Environmental Risk Management Eco-Research Chair. University of Alberta, Edmonton, Alberta.

Glaser, B. G. & A. L. Strauss. 1967. *The Discovery of Grounded Theory: Strategies for Qualitative Research*. Chicago: Aldine.

Gluckman, Max. 1955. *Custom and Conflict in Africa*. Oxford: Basil Blackwell.

——. 1955. *Judicial Process among the Barotse of Northern Nigeria*. Manchester: Manchester University Press.

Gray, Barbara. 1989. *Collaborating: Finding Common Ground for Multiparty Problems*. San Francisco: Jossey-Bass Publishers.

Greene, Jennifer C. 1994. Qualitative Program Evaluation: Practice and Promise. In

Handbook of Qualitative Research. Norman K. Denzin and Yvonna S. Lincoln (eds.), 530-544. Thousand Oaks, CA: Sage.

Guba, Egon G. & Yvonna S. Lincoln. 1988. *Effective Evaluation.* San Francisco: Jossey-Bass Publishers.

Guha, Ramachandra. 1989. Radical American Environmentalism and Wilderness Preservation: A Third World Critique. *Environmental Ethics* 11: 71-76; 78-83.

Gulliver, P. H. 1979. *Disputes and Negotiations: A Cross-Cultural Perspective.* New York: Academic Press.

——. 1963. *Social Control in an African Society: A Study of the Arusha, Agricultural Masai of Northern Tanganyika.* London: Routledge & Kegan Paul .

Hammersley, M. 1992. *What's Wrong with Ethnography? Methodological Explorations.* London: Routledge.

Harvey, David. 1996. *Justice, Nature and the Geography of Difference.* Cambridge, Mass.: Blackwell.

Herndl, Carl G. & Stuart C. Brown. 1996. Introduction. In *Green Culture: Environmental Rhetoric in Contemporary America.* Carl G. Herndl and Stuart C. Brown, 3-20. Madison: University of Wisconsin Press.

Hesselbein, Frances, Marshall Goldsmith, Richard Beckhard, and Richard F. Schubert (eds.). 1998. *The Community of the Future.* San Francisco: Jossey-Bass.

Higgs, Eric. 1984. Environmental Ethics in Relation to Resource Policy. *Man-Environment Systems* 13, no. 1: 25-40.

——. forthcoming. *Nature by Design: Human Agency, Natural Process and Ecological Restoration.* MIT Press.

Hoebel, E. Adamson. 1954. *The Law of Primitive Man: A Study in Comparative Legal Dynamics.* Cambridge, Mass.: Harvard University Press.

Hrudy, Steve. 1994. Understanding and Managing Environmental Risk. Proceeding of the Canadian Bar Association, National Environmental Law Section.

Huber, Marg. 1993. Mediation around the Medicine Wheel. *Mediation Quarterly* 10, no. 4: 355-65.

Hunt, William. 1994. *Progress Update - 1994 Field Season,* unpublished report.

Irland, Lloyd C. 1988. Things Wild and Free: Any Room for Economics in the Wilderness? In James K. Agee & Darryll R. Johnson (eds.), 160-79.

Jantsch, Erich. 1980. *The Self-Organizing Universe: Scientific and Human Implications of the Emerging Paradigm of Evolution.* Oxford: Pergamon Press.

Jasper Environmental Association. 1992. *Proposal to Create Woodland Caribou Conservation Areas (WCCAs) in Jasper National Park.*

Kellert, Stephen R. 1995. Concepts of Nature East and West. In Michael E. Soule & Gary Lease, 103-21.

Kelly, Robert A. & Donald K. Alper. 1995. *Transforming British Columbia's War in the Woods: An Assessment of the Vancouver Island Regional Negotiation Process of the Commission on Resources and Environment.* Victoria, B.C.: UVic Institute for Dispute Resolution.

Kempton, Willett, James S. Boster, and Jennifer A. Hartley. 1995. *Environmental Values in American Culture.* Cambridge, Mass.: The MIT Press.

Kolb, Deborah & Associates. 1994. *When Talk Works.* San Francisco: Jossey-Bass.

Kolb, Deborah M. & Kenneth Kressel. 1994. The Realities of Making Talk Work. In Deborah Kolb & Associates (eds.), 459-92.

Laing, L. S. Gallagher & C. Murray. 1996. *Jasper Human Influence Project: Jasper Community Health Study*, unpublished ms..

Lakey, Berit. 1995. *Grassroots and Nonprofit Leadership: A Guide for Organizations in Changing Times.*Rod Napier & Janice Robinson George Lakey. Philadelphia and Gabriola Island: Island Press.

LeBaron Duryea, Michelle & Jim Potts. 1993. Story and Legend: Powerful Tools for Conflict Resolution. *Mediation Quarterly* 10, no. 4: 387-95.

Levinson, David. 1994. *Aggression and Conflict: A Cross-Cultural Encyclopedia.* Santa Barbara, CA: ABC-CLIO.

Lewis, Calli. 20 October 1996. Heritage site is up for sale. *The Jasper Booster,* p. 1.

Lewis, I. M. 1995. Anthropologists for Sale? In Akbar S. Ahmed and Cris N. Shore (eds.), 94-109.

Light A. & E. Higgs. 1996. The Politics of Ecological Restoration. *Environmental Ethics* 18: 227-47.

Lund, Brishkai, Catherine Morris, and Michelle LeBaron Duryea. 1994. *Conflict and Culture: Report of the Multiculturalism and Dispute Resolution Project.* Victoria, B.C.: UVic Institute for Dispute Resolution.

Mach, Zdzislaw. 1993. *Symbols, Conflict and Identity: Essays in Political Anthropology.*

New York: State University of New York Press.

MacLaren, I. S. Changing Perceptions of Wildemess in the Athabasca Valley. *3rd International Conference of Science and the Management of Protected Areas (SAMPA)*.

Malinowski, Bronislaw. 1964. *Crime and Custom in Savage Society*. Paterson, NJ: Littlefield, Adams & Co.

Manning, George, Kent Curtis, and Steve McMillen. 1996. *Building Community: The Human Side of Work*. Cincinnati, Ohio: Thomson Executive Press.

Marck, Paul. 6 February 1995. A town with an uncertain future: Jasper residents don't want to end up like Banff. *The Edmonton Journal*, sec. A, pp. 1, 5.

Marcus, George E. & Michael M. J. Fischer. 1986. *Anthropology as Cultural Critique: An Experimental Moment in the Human Sciences*. Chicago & London: University of Chicago Press.

Mathews, Darcy. 1996. Thesis Proposal.

Merry, Sally Engle. 1992. Anthropology, Law, and Transnational Processes. *Annual Review of Anthropology* 21: 357-59.

Merry, Sally Engle & Susan S. Silbey. 1984. What do Plaintiffs Want?: Reexamining the Concept of Dispute. *The Justice System Journal* 9, no. 2: 151-78.

Miles, Matthew B. & A. Michael Huberman. 1994. *Qualitative Data Analysis, 2nd edition*. Thousand Oaks, CA: Sage Publications.

Moore, Christoper W. 1996. *The Mediation Process: Practical Strategies for Resolving Conflict*. San Francisco: Jossey-Bass.

Moore, Sally Falk. 1994. The Ethnography of the Present and the Analysis of Process. *Assessing Cultural Anthropology*. Robert ed. BorofskyNew York: McGraw-Hill.

——. 1987. Explaining the Present: Theoretical dilemmas in processual ethnography. *American Ethnologist* 14, no. 4: 727-36.

——. 1978. *Law as Process: An Anthropological Approach*. London: Routledge & Kegan Paul.

Murphy, Robert F. 1971. *The Dialectics of Social Life: Alarms and Excursions in Anthropological Theory*. New York and London: Basic Books.

Murray, Carol. 1996. *Culture, Ecology and Restoration: A Report of a Workshop on Human Influence on the Montane Ecosystem in Jasper National Park, March*

29-30, 1996, Edmonton, Alberta.

——. 1997. *Managing the Montane Ecoregion, Jasper National Park: Report of a Workshop to Outline a Strategy for Future Management, Palisades Centre, Jasper National Park*, Edmonton, Alberta.

Nabhan, Gary Paul. 1995. Cultural Parallax in Viewing North American Habitats. In Micheal E. Soulé and Gary Lease (eds.), 87-101.

Nader, Laura. 1988. The ADR Explosion — The Implications of Rhetoric in Legal Reform. *Windsor Yearbook of Access to Justice* 8: 269-91.

——. 1990. *Harmony Ideology: Justice and Control in a Zapotec Mountain Village.* Stanford, CA: Stanford University Press.

National Research Council. 1992. *Science and the National Parks.* Washington, D.C.: National Academy Press.

Nikiforuk, Andrew. 1992. Islands of Extinction. *Equinox*: 30-43.

Ortner, Sherry. 1984. Theory in Anthropology since the Sixties. *Comparative Studies in Society and History* 26: 126-66.

Ozawa, Connie P. 1991. *Recasting Science: Consensual Procedures in Public Policy Making.* Boulder: Westview Press.

Parks Canada. 1996. *Maligne Valley Collaborative Process: Final Report.*

——. 1994. *A Proposed Framework for Assessing the Appropriateness of Recreation Activities in Protected Heritage Areas*, Department of Canadian Heritage, Ottawa, Canada.

Price, Richard T. & Cynthia Dunnigan. 1995. *Toward an Understanding of Aboriginal Peacemaking.* Victoria, B.C.: UVic Institute for Dispute Resolution.

Pruitt, Dean G. & Jeffrey Z. Rubin. 1986. *Social Conflict: Escalation, Stalemate and Settlement.* New York: McGraw-Hill Publishing Company.

Radcliffe-Brown, A. R. 1952. *Structure and Function in Primitive Society.* London: The Free Press.

Rahn, Thomas. 1996. Public Involvement and Consultation. In *Environmental Management in Canada.* Brett Ibbotson & John-David Phyper (eds.), 85-119. Toronto: McGraw-Hill Ryerson Limited.

Robarchek, Clayton A. 1997. A Community of Interests: Semai Conflict Resolution. In *Cultural Variation in Conflict Resolution: Alternatives to Violence.* Douglas P. Fry and Kaj Bjorkqvist (eds.), 51-58. Mahwah, NJ: Lawrence Erlbaum Associates.

Roberts, Simon. 1979. *Order and Dispute: An Introduction to Legal Anthropology*. New York: St. Martin's Press.

Ross, Marc Howard. 1993. *The Culture of Conflict: Interpretations and Interests in Comparative Perspective*. New Haven & London: Yale University Press.

Salter, Liora. 1988. *Mandated Science: Science and Scientists in the Making of Standards*. Dordrecht, Holland & Boston, Mass.: Kluwer Academic Publishers.

Sander, Frank E. A. 1995. The Obsession with Settlement Rates. *Negotiation Journa* 11, no. 4: 329-32.

Sax, Joseph L. 1980. *Mountains without Handrails: Reflections on the National Parks*. Ann Arbor: The University of Michigan Press.

Schein, Edgar H. 1985. *Organization Culture and Leadership*. San Francisco: Jossey-Bass.

Senge, Peter M. 1994. *The Fifth Discipline Fieldbook: Strategies and Tools for Building a Learning Organization*.Charlotte Roberts Richard B. Ross & Bryan J. Smith Art Kleiner. New York: Doubleday.

——. 1990. *The Fifth Discipline: The Art and Practice of the Learning Organization*. New York: Doubleday.

Shaffer, Carolyn R. & Kristin Anundsen. 1993. *Creating Community Anywhere: Finding Support and Connection in a Fragmented World*. New York: Jeremy P. Tarcher/Putnam Book.

Simmel, G. 1955. *Conflict and The Web of Group-Affiliations*. London: The Free Press of Glencoe.

Smith, M. Estellie. 1996. Public Policy, Sciencing and Managing the Future. In *Naked Science: Anthropological Inquiry into Boundaries, Power and Knowledge*. Laura ed. Nader, 201-15. New York and London: Routledge.

Soulé, Michael E. & Gary Lease eds. 1995. *Reinventing Nature?: Responses to Postmodern Deconstruction*. Washington, D.C.: Island Press.

Soule, Michael E. 1995. The Social Siege of Nature. In Michael E. Soule & Gary Lease (eds.), 137-70.

Spradley, James P. 1979. *The Ethnographic Interview*. Fort Worth: Holt, Rinehart and Winston, Inc.

Stevens, Stan ed. 1997. *Conservation through Cultural Survival: Indigenous Peoples and*

Protected Areas. Washington, D.C.: Island Press.

Susskind, Lawrence & Jeffrey Cruikshank. 1987. *Breaking the Impasse: Consensual Approaches to Resolving Public Disputes.* New York: Basic Books.

Ury, William L. 1995. Conflict Resolution among the Bushmen: Lessons in Dispute Systems Design. *Negotiation Journal* 11, no. 4: 379-89.

van Willigen. 1993. *Applied Anthropology: An Introduction.* Westport, Conn.: Bergin and Garvey.

Vincent, Joan. 1986. System and Process, 1974-1985. *Annual Review of Anthropology* 15: 99-119.

Waddell, Craig. 1996. Saving the Great Lakes: Public Participation in Environmental Policy. In *Green Culture: Environmental Rhetoric in Contemporary America.* Carl G. Herndl and Stuart C. Brown (eds.), 141-65. Madison: University of Wisconsin Press.

Wall, James A. Jr. & Ronda Roberts Callister. 1995. *Ho'oponopono*: Some Lessons from Hawaiian Mediation. *Negotiation Journal* 11, no. 1: 45-54.

Williams, M. B. 1949. *Jasper National Park: A Descriptive Guide.* Hamilton, Saskatoon and Vancouver: H.R. Larson Publishing Company.

Winterhalder, Bruce P. 1994. Concepts in Historical Ecology: The View from Evolutionary Theory. In *Historical Ecology: Cultural Knowledge and Changing Landscapes.* Carole L. Crumley (ed.)Santa Fe, NM: School of American Research Press.

Wolfe, Alvin and Honggang Yang eds. 1996. *Anthropological Contributions to Conflict Resolution.* Athens and London: University of Georgia Press.

Wolfe, Alvin W. 1996. Contributions of Anthropology to Conflict Resolution. In *Anthropological Contributions to Conflict Resolution.* Alvin W. Wolfe and Honggang Yang (eds.), 1-10. Athens and London: University of Georgia Press.

Wondolleck, Julia M. 1988. *Public Lands Conflict and Resolution: Managing National Forest Disputes.* New York & London: Plenum Press.

Woodley, Stephen Jerome. 1993. "Assessing and Monitoring Ecological Integrity in Parks and Protected Areas." University of Waterloo, unpublished PhD dissertation.

Worster, Donald. 1995. Nature and the Disorder of History. In Michael E. Soulé and Gary Lease, 65-85.

Wright, Pamela A., Martin Kyle, Marcy Saprowich, and Angus Simpson. n.d. *Jasper River Use Study*, Centre for Tourism Policy and Research, School of Resource and

Environmental Management, Simon Fraser University, Burnaby, British Columbia.

Appendix 1

List of Activities in the Maligne Valley

Waterbased

- River rafting (commercial)
- River rafting (recreational)
- Kayaking (private)
- Canoeing on Maligne Lake
- Sailing
- Sea kayaking
- Canoe/fishing on Maligne lake and Medicine Lake
- Rowing on Maligne lake
- Rowing/fishing on Maligne and Medicine lake
- Sightseeing (commercial/ Maligne Tours motor boats on Maligne lake)
- Backcountry camping on Maligne lake
- Guided fishing

Riparian dependent

- Guided fishing on Maligne river
- Non-guided fishing
- Bird watching
- Wildlife viewing
- Sightseeing along the river and lake
- Hiking along the river and lake
- Picnicking
- Horseback riding
- Wildlife photography
- Maligne Canyon Hikes

Highway dependent

- Sightseeing
- Wildlife viewing
- Bus Tours
- Picnicing
- Wildlife photography
- Bicycle tours

Others

- Cross country skiing (commercial)
- Cross country skiing (recreational)
- Hosteling
- Mountain Biking
- Climbing
- Backcountry hiking
- Prescribed Burns
- Future of the Brewster Chalet
- Privatizing Maligne Lake Campgrounds
- Spirit Island maintenance
- Maligne Warden Station
- Highway maintenance
- Hydro generation
- Trail maintenance/construction
- Picnic site maintenance

Appendix 2

5.10.2 "Draft" Terms of Reference

MALIGNE VALLEY ADVISORY COMMITTEE

DRAFT

TERMS OF REFERENCE

The Maligne Valley Advisory Committee is an advisory body to the Superintendent of Jasper National Park.

1. Purpose:

The purpose of the Committee is to assist Parks Canada in managing the Maligne Valley. Jasper National Park in the following manner:

a) to promote more informed decision making on matters pertaining to the Maligne Valley involving all stakeholders:

b) to provide continuing advice to the Park Superintendent:

c) to consider specific matters, issues, activities. facilities or proposals referred to it by the Park Superintendent and provide recommendations to the Park Superintendent on such matters;

d) to act as liaison between Parks Canada and the organizations. committees. groups etc. represented by the Advisory Committee on all matters of mutual interest affecting the Maligne Valley in Jasper National Park and to inform and be informed by these organizations and groups on all matters relating to the Maligne Valley;

e) to provide a forum for all groups and organizations to be familiarized with current issues in the Maligne Valley and enable them to contribute to achieving the Vision in the Maligne Valley;

f) to enable Parks Canada to be proactive in addressing management issues in the Maligne Valley; and

g) to provide philosophical direction to Parks Canada on information needs, while recognizing the limited expertise of the Committee members in technical aspects of many issues. activities. facilities or proposals.

Appendix 3

CONSENT FORM

Carol Murray — Doctoral Research Project
Department of Anthropology
University of Alberta
T6G 2E1
Phone: (403) 492-3879

Summary of Research

I am a doctoral student in the Anthropology Department at the University of Alberta, under the supervision of Dr. Eric Higgs. My research involves an evaluation and analysis of the Maligne Valley Collaborative Process. As you may be aware, I was an observer at all of the large group meetings, the research presentations and most of the small group meetings from March to June 1996. At this point in my research program, I am conducting interviews with stakeholders to the Process in order to obtain your opinions regarding its success (or lack of success) and suggestions for improvement. I will use this information, along with observations from the group meetings, to formulate an analysis of cultural change with respect to decision-making processes. Please feel free to ask questions regarding any aspect of this research.

Issues Relating to Participation

Participation in this project is voluntary. It will involve an interview of approximately one hour and the possibility of a follow-up telephone call for clarification or elaboration of information given or in the event of new developments. All information gathered during these interviews will remain strictly confidential, and every effort will be made to conceal your identity by, for example, the use of a pseudonym and the alteration of identifying characteristics. Only myself and my supervisor will listen to the tapes and/or read the transcripts. Tapes will be stored in a secure location. You may refuse to answer any question and may ask to stop the interview at any time. You may withdraw from the project at any time, in which case you may request that the information you have given me be destroyed or returned to you. The data gathered in these interviews will be used for the purposes of my doctoral thesis, articles in scholarly and non-scholarly publications and a report to Parks Canada summarizing my findngs. A copy of my thesis for public use will be available through Parks Canada upon the completion of my program requirements.

If you agree to participate in this project, please sign and date the statement below:

I, ____, agree to participate in Carol Murray's doctoral research. as outlined above. I also consent to the taping of the interview.

____ ____________________________

Signature Date

SENT BY: HERITAGE COMMUNICAT; 3-14-96 8:29AM; 403 852 6152 => 4034923879; #1/3

Canadian Heritage
Patrimoine canadien
Parks Canada
Parcs Canada

Appendix 4

CANADA'S GREEN PLAN
LE PLAN VERT DU CANADA

Box 10
Jasper, Alberta
T0E 1E0

Post-it™ Fax Note
To Carol Murray
From Angus Simpson
Parks Canada
(403) 492-3578 (403) 852 6151
(403) 492-5273 (403) 852 6152

February 8, 1996

Maligne Valley Collaborative Process
Participant Groups
Jasper, Alberta

Dear Participants,

We have received a proposal from Carol Murray, a graduate student at U of A, to study the Maligne Valley Collaborative Process. As part of her research ,Carol is hoping to observe our meetings and to have an opportunity to discuss the process with the participant groups. Her proposal is designed to address the following objectives:

- analyze the environmental values underlying stakeholder positions,
- summarize stakeholder perceptions of the consultative process,
- evaluate the process and its outcome, particularly with reference to its impact on Park's policy making, and
- review international and national case studies in , and alternative models for, conflict resolution

I trust you will have no objections to Carol observing our meetings and discussing the process with you. If you have any questions or comments regarding this matter, please do not hesitate to contact myself or Angus Simpson. Angus will be the contact person for Carol

Sincerely,

Michel Audy

Michel Audy
A/Superintendent
Jasper National Park

Canada

Printed on recycled paper
Imprimé sur du papier recyclé

Appendix 5

NOTES ON PROTOCOL MEETING
Re: Carol Murray's Doctoral proposal
for a study of the Maligne Valley Collaborative Process

Tuesday, 2 April, 1996
University of Alberta

In attendance: Joanne Goss, mediator
Angus Simpson, Parks Canada (planner/secretariat)
Eric Higgs, University of Alberta (doctoral program advisor)
Carol Murray, University of Alberta (researcher)

The meeting, which was held over dinner, created an opportunity for the interested parties to discuss, in an informal manner, aspects of Ms. Murray's research that could have an impact on the Maligne Valley mediation process in Jasper Park. While there was general agreement regarding the positive aspects of the research, some potential issues were identified.

Potential issues identified

1. The research may be seen as dependent on a particular outcome (i.e., a "successful" mediation).

2. Concern was expressed about how the data/findings will be disseminated.

3. How will the data be used?

4. Participants may associate this project with Parks Canada; one participant has already expressed concern that data not be given to Parks prior to the end of mediation.

5. The research may affect the behaviour or actions of participants in a way that could adversely alter the outcome of the process.

Suggested research protocols

1. The presence of a researcher will have some effect on the process – as is the case to a greater or lesser extent with all forms of research – but, in the interests of all concerned, it was agreed that the research would be designed to minimize this effect. The research findings will be relevant regardless of the outcome of the mediation process.

2. All aspects of the research are subject to University of Alberta Ethics Guidelines, including confidentiality, informed consent and anonymity of research subjects, and will require specific project approval from the Anthropology Department's Ethics Review Committee. The project description given to participants and the consent form will state clearly that the researcher is *not* associated with Parks Canada in any way, although as a courtesy a report of findings will

Appendix 6

UNIVERSITY OF ALBERTA

CERTIFICATION OF ETHICAL ACCEPTABILITY

FACULTY OF ARTS HUMAN RESEARCH ETHICS COMMITTEE

APPLICANT'S NAME: Carol Murray

APPLICANT'S DEPARTMENT: Anthropology

APPLICATION TITLE: Evaluation of the Maligne Valley Collaborative Process in Jasper National Park (Phase II)

The application noted above was reviewed by the Faculty of Arts Human Research Ethics Committee. The committee was constituted and the decision was rendered as specified in the University of Alberta Policy Related to Ethics in Human Research (September 1, 1990). The committee reviewers for this application are listed below.

This is to certify that the project and/or procedures outlined in the application were found to be acceptable on ethical grounds and to be generally in accord with policy guidelines as laid down by this University for such research involving human participants.

Date: Nov. 5/96

Dr O Beattie, Associate Chair
Human Research Ethics Review Committee
Department of Anthropology

Reviewers for this application:

✓ D Bai (Anthropology)
✓ A Palmer (Anthropology)
✓ D Young (Anthropology) David E. Young
___ S Bamforth (Pediatrics) per.

/ddb

C:\WP51\ADM\Ethics-F

Appendix 7

Spirit Island

Recommendation	Action/Comments
Maligne Tours accepts responsibility for cost of upgrading & maintaining the facility.	***Maligne Tours has completed the upgrading of the trail, benches, rails etc.. New outhouse facility will be completed by mid summer.***
Maligne Tours enter a contractual agreement with Parks Canada through which the Spirit Island facility is maintained to a standard set and monitored by Parks Canada.	***Parks Canada has written and delivered the contractual agreement, however, Maligne Tours has not yet signed. Still outstanding.***
Parks Canada confirmed that the Memorandum of Understanding to be entered into with Maligne Tours will not be a Licence of Occupation.	***Completed***

Alternative Energy-evaluating appropriateness

Recommendation	Action/Comments
A proposal which evaluates the technical feasibility of other options presently available (such as solar, wind, power load-management systems, power storage systems, etc.).	***Parks Canada will continue to explore subject to budget availability.***
A technical review of the proposal in light of recent advances	***Parks Canada will continue to explore subject to budget availability.***
A proposal which is designed to meet power demands for the next 20 years	***Parks Canada will continue to explore subject to budget availability.***
That the proponent (Maligne Tours and Parks Canada) have someone at the next working group meeting who can respond to questions pertaining to the proposal design, alternative, and issues raised in the above points.	***No subsequent meeting was held.***

OTHER COMMENTS:

Generators at the Maligne Warden Station both failed and have been rebuilt. The cost of rebuilding did not justify a change over to passive solar system. Efforts will be made to reduce the noise from the generators this summer. Parks will be burying a 45 gal drum and piping the exhaust through it and then the muffler system. This will reduce the amount of soot and it has reduced the noise levels from the muffler systems in other parks.

Water Testing on Maligne Lake

Recommendation	Action/Comments
Water Testing on Maligne Lake will continue on Maligne Lake on the condition that a leading aquatics ecologist be consulted on the following questions:	*See below*
I)is it probable that Maligne Lake is being contaminated by the number of boats presently operating on the lake	
ii)if it is, can we detect the significance of this potential contamination in the system	
iii) is it impacting the aquatic ecosystem of Maligne Lake	
It was further agreed to continue testing to identify the "yellow scum" and its source	*There was no "yellow scum" observed during the 1996 season.*

OTHER COMMENTS:

Paul Galbraith contacted Dave Schindler regarding the number of diesel and gas boats on the lake and potential pollution problems. As expected the level of exhausted and waste fuel resulting from the number of boats is below the level that can be tested for in such a lake, and below the level which has been identified in studies to have deleterious affects.

Cross country skiing

Recommendation	Action/Comments
The Woodland Caribou are the paramount consideration in determining acceptable types and levels of activity in the Maligne Valley. When managing visitor use impacts on Woodland Caribou in the Maligne Valley Parks Canada will adopt the precautionary principle.	***Monitoring of Caribou/Wolf activity - regular patrols were carried out. Data will provide area of use but will not identify the number of animals or provide information on displacement. Parks Canada will adopt a precautionary principle.***
Parks Canada will conduct a Caribou population count in 1996.	***A count was conducted, the results are due October 31, 1997.***
Establish a monitoring program to determine the amount and type of human use on Maligne Road (vehicles) AND cross-country ski trails at Maligne Lake from November 1st to May 1st each year at the current level of activity for 3 or more years.	***Parks Canada will not implement a monitoring program until after 97/98 season. Traffic counters are currently in place to measure vehicle traffic numbers and type.***
Establish a monitoring program to determine the amount of Caribou use on and adjacent to the cross-country ski trails at Maligne Lake from November 1st to May 1st each year at the current level of activity for 3 or more years	***Presence/absence data was collected this winter.***
Establish a monitoring program to determine social factors and capacities for better social information. This will be developed by Parks Canada.	***Not completed. Overall framework for the park (including priorities) will be done as part of park management plan in 1998/99.***
Don Thomas should be involved throughout in interpreting the results of the monitoring program and to assist with information on things such as factors influencing the caribou numbers.	***Various experts will be involved.***
The results of monitoring will be assessed after 3 years or earlier if there is a significant finding. The results of monitoring will be made public each year.	***Ongoing***

The estimate of 200 to 250 people per week will be considered an approximation of the current level of use of the Maligne Valley ski area with verification of that baseline information to be generated through monitoring over the next 3 years.	***Ongoing.***
It was agreed that the current use levels will be maintained for 3 years with Parks Canada and the business community doing nothing to increase the number of skiers or increase the level of service during that time. Also, no active measures will be taken to control the number of people, such as quotas. This will be reviewed after 3 years when the baseline number of users is established.	***Ongoing.***
The type and level of activity permitted in the valley will be based on the results of monitoring (or the best available information) and as a result may change over time.	***Ongoing.***
Are Caribou populations stable generally or are their numbers increasing or decreasing?	***Review of population trend information will be conducted by December 31, 1997***
How is winter use in the Valley affecting the Caribou?	***Unable to assess at this time***
Visitor activities will be established within social and physical carrying capacities.	***Yes, in some cases this will be based on the best available information. Processes for establishing such limits will be discussed in the next Park Management Plan.***
Provide a caribou viewing area for the Medicine Delta by placing vision scopes on the roadside pull-outs with interpretative signs. This must be carefully managed and controlled.	***A pull off is available which will hold a couple of cars or one bus. Caribou can be observed on the Delta from Feb.- May. No funding has been identified for further work..***
Establish a communication plan to increase the profile of Caribou in the Maligne Valley.	***This will be assessed as part of an overall communication strategy for the park to be completed by October 1997.***

Parks Canada will explore strategies for the conservation of Caribou in the Maligne Valley for review by the Maligne Valley Collaborative Process (Parks Canada position paper distributed June 1, 1996).	***Parks Canada will be taking a multi species approach in assessing cumulative effects. Caribou can be considered one indicator.***
Parks Canada will review its track setting procedures to ensure that the proper procedures and standards of care are being utilised as well as ensuring that knowledgeable people are doing the track setting.	***Completed. The Maligne Lake warden has received training in track setting procedures.***
Provide improved signs on the cross-country ski trails regarding safety and levels of trail difficulty	***Temporary (laminated paper) signs where in place last season. Permanent signs will require a budget commitment. A new GIS map is being worked on which will provide better trailhead orientation. It will be completed in the spring of 1997.***
It is desirable to develop a beginner trail in the Maligne Lake area that does not incur further into important caribou areas. Parks Canada will develop some possible scenarios that would not present safety concerns.	***To be investigated for 1997 winter season.***
Parks Canada will look into blocking off one of the parking lots, not ploughing it and track setting the parking lot in a star grid for training and as a staging area for beginners.	***To be investigated for 1997 winter season.***
The names of the trails should be added to the sign posts along the trail in a cost effective way.	***Completed and in place during last season - on the temporary signs.***
A sign should be placed at the Lorraine Lake Loop indicating that the trail beyond that point is for advanced skiers only.	***Not completed. Trail difficulty is classified by a national nordic association criteria. All trails in the Maligne area have been classified using this system. The trails can be reviewed in the beginning of the 1997/98 season, however this will be subject to budget availability.***

A corrugated renovator needs to be purchased by Parks Canada to enable packing on the fire road at Bald Hills as far as the lookout and the steep hill on Evelyn Creek Loop. The fire road will be packed but the track setting will only go to Evelyn Creek turnoff. Parks Canada will look into the cost of purchasing this piece of equipment (estimated about $700.00).	*Parks Canada will not purchase a renovator. After researching this it was felt that the result provided would not be worth the investment. The Bald Hills road was only track set as far as the Evelyn Creek turnoff, it was packed to the top of the Bald Hills Road.*
The blue cross-country ski brochure should be re-written to include ecological messages regarding caribou, the beginner trail, pictures, stories, facts, etc.	*The Brochure has been modified but not yet printed.*
The Parks Canada cross-country ski information line should include the following: a)road report b)snow conditions c)trail conditions d)when the trails were last track set e)information on caribou (i.e. a warning about caribou on the road) f)the time of sun set. It will include conditions both at Summit Trail and Maligne Lake. The manner of dissemination of information will be evaluated by Parks Canada to ensure that the information is available to the general public.	*Parks Canada will consider this for 1997/98.*
Parks Canada will continue to let Canadians know what opportunities exist in the Park.	*No specific action.*

Parks Canada will look at the feasibility of using alternatives to salt on the Maligne Valley Road and the efficiencies of spreading the application over a larger area.	*Parks Canada tried an experiment using Calcium Chloride instead of Sodium Chloride in winter abrasives. The experiment was a failure. Calcium Chloride proved ineffective for ice removal and Sodium Chloride had to be added at significant extra cost. Park Wardens are working with Alberta Transportation on experiments using inhibiters that could be added to salt. This will be tried on the Yellowhead Corridor first and if successful on other roads, including Maligne.*
Information Centres and ski rental shops to provide better information on safety and skill level.	*This information will be included as part of the cross-country ski reports that are distributed by Parks Canada.*
Update park cross-country ski brochure	*Completed (see above).*
Evaluate reversing Evelyn Creek loop	*Parks Canada will consider it for 1997/98.*

Brewster Chalet

Recommendation	Action/Comments
It was agreed the draft Terms of Reference (appendix 16) be accepted and form the basis of a Call for Proposals.	*Completed*

The following time lines recommended by the Working Group were also approved: a)Call for proposals announced May 31, 1996 b)Individual site meetings with proponents scheduled over the summer of 1996 c)Proposals due October 31, 1996 d)Decision on successful proponent by December 31, 1996 e)Development of realty and contract documentation between December 31, 1996 and the spring of 1997 f)Utility work summer 1997 g)The operation of the Chalet will commence by the summer of 1998.	***A revised two-stage process was implemented with Stage 1 being "Expression of Interest" and Stage 2 being a more detailed "Request for Proposal"*** ***a) The call for expression of interest was announced in October 1, 1996.*** ***b) Individual site meetings took place in November 2, 1996*** ***c) Call for Expressions of Interest were due December 16, 97*** ***d) Decision on successful applicants was made on January 6, 97*** ***e) Request for Proposals sent out February 28.*** ***f) Submission recieved May 15.*** ***g) Submission currently being reviewed.*** ***h) Draft realty and contract documentation complete.*** ***I) Target date for operation remains summer 1998.***
It was also agreed that the following criteria would be employed for selecting the successful bid for the Brewster Chalet. The Criteria are: I)how does the proposal help to achieve the goals of interpretive and educational experiences within the Parks Canada and Maligne Valley Collaborative Process guidelines; ii)is the proposal based on financial soundness; and iii)financial return to the Crown.	***Completed - part of the Request for Proposals (RFP).***
It was agreed by the Stakeholder Group's represented at the meeting that the successful Brewster Chalet proponent be asked to present their proposal to the MVCP prior to signing a contract with Parks Canada, as outlined in the Terms of Reference.	***Yes this will occur and it is included as a condition in the RFP***

Highway sightseeing

Recommendation	Action/Comments
Traffic counter to be installed during the week of June 19, 1995. This counter will record the total volume and differentiate between *busses* and vehicles.	*Completed*
Volunteers will be posted at peak locations on the road to assist with animal traffic jams	*This was put in place for the 1995 summer season. There were a number of problems and it's effectiveness was limited. Volunteers were not available for the '96 season, and it looks the same for '97. New pictorial signs have been placed along the problem section.*
All wildlife mortality on the Maligne road will be monitored during the summer of 1995 and reported at the end of the season. It was agreed that historical information would be provided as far back as practical. A wolf/caribou interaction study is to be considered for the future.	*Wildlife morality monitoring is done annually. A wolf/caribou interaction study is not currently planned, however Parks Canada will continue to collect information.*
Determine if the Maligne road is serving as a corridor for wolves in the winter.	*Not currently planned. There are some studies by the West Central Caribou Committee that may provide information on this issue.*
Review the design capacity of the Maligne road with respect to current use.	*Winter road maintenance is determined by average daily traffic and the level of winter maintenance would increase with traffic volumes. This would mean more plowing and more abrasives and salt. Summer traffic carrying capacities, road design (structure, traffic volumes, design speeds, signage, guiderail, etc.) must be investigated. The road can easily handle significant increases in traffic volumes from strictly a structural and maintenance prospective.*
Warden Service to consult the RCMP on speed limit enforcement on the Maligne Road.	*Completed*
Warden Service to commit to finding an avenue at the District level to reach bus operators with wildlife messages. It was also suggested they evaluate the option of an add-on to the existing bear signs.	*Completed. Messages for wildlife viewing were sent to NTA and incorporated in Parks Canada newsletter to all major bus operators in North America.*

Fishing

Recommendations	Responsibility	Actions/Comments
At the district level, Maligne Valley Collaborative Process concerns be tied into the next generation for fishing regulations.	***Completed***	
Complete launch ramp improvements	***Completed***	
Complete creel census	***Completed***	
Ensure that people who buy a fishing licence at Maligne Lake get a copy of the regulations.	***Completed***	

Advisory Committee

Recommendation	Action/Comments
Establishment of an Advisory Committee	***Will not develop a standing committee but Jasper National Park could still convene the MVCP participants to provide input into specific issues***

Appendix 8

The following chart provides background information on the participants to the Maligne Valley Collaborative Process.

Stakeholder Group	Ages	Sex
Parks Canada	28-55	4M
local environmental group	25-45	3F/1M
national environmental group	35-70	2 M/1F
local business group	35-50	1F/4 M
regional business group	35-45	1F/1M
recreational users group	35-45	1F/2M